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CHRONICLES
OF
PENNSYLVANIA

FROM THE
ENGLISH REVOLUTION
TO THE
PEACE OF AIX-LA-CHAPELLE
1688-1748

BY
CHARLES P. KEITH
AUTHOR OF
"THE PROVINCIAL COUNCILLORS OF PENNSYLVANIA 1733-1776"
AND "THE ANCESTRY OF BENJAMIN HARRISON"

In Two Volumes

VOL. II

PHILADELPHIA
1917

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CHAPTER XV.

The Funding of Penn's Debts.

The Fords condemned by Friends' Meeting—Penn not benefited by the appropriation for his Deputy—Cost of living in Pennsylvania—Evans's rigorous treatment of Biles—The scare—Evans's immorality—The Assembly kept ignorant of the prospect of Penn's surrendering the government—Law establishing courts disallowed, because abolishing ejectment suits as "fictitious" proceedings—Quarrel over reestablishment of courts—Opponents of Penn carry election of 1706, and contend for judicial reforms—Assembly censures Logan, and appeals to Whitehead—Question as to nominations for Sheriff—Must the Speaker remain standing at conferences with the Governor?—Courts created by the Governor's ordinance—Impeachment of Logan—Failure to pass laws—Legislative rights of the Delawareans—Attempt to stop a Philadelphia sloop at New Castle—Silence of the Charter of 1701 as to trying of impeachments— Indian affairs —Further proceedings towards a sale of the government to the Crown—Penn thinks of removing Evans, and censures him—Penn's financial prospects brighten—Course of William Jr.—Renewed appeal to English Quakers by the Assembly—William Mead takes a stand—Evans prorogues new Assembly—Verdict for rent due the Fords, and imprisonment of Penn—Unsuccessful application to put Philip Ford Jr. in possession of the government—Whitehead, Mead, and Lower force the removal of Evans—"Penn Charter" school in Philadelphia—Assembly refuses money to defend against privateers—Claim that Evans should apply

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receipts to the public service—The Fords accept £7600, and relinquish claim—Mortgage to Gouldney et al., advancing £6600—Short session of Assembly chosen in 1708 for each part of the dual colony—Evans marries—He prosecutes to imprisonment the surety on a marriage license bond, because marriage was not solemnized according to Church of England.

Penn appealed to the Friends' Meeting at Devonshire House, which the Fords attended; and the Meeting, in December, 1705, after several adjournments, caused by young Ford's illness, decided, that, by refusing arbitration, and persisting in proceeding in the law, Bridget Ford and her children, Philip, Ann, and Susanna, had acted contrary to Christian principles and the established good order, and that the Meeting could have no unity with them until they complied with the advice and judgment of the Meeting, and that William Penn was free to make his defence at law. Penn brought a cross bill in Chancery, and employed counsel "esteemed the top of that court" to have the amount cut down to about £4000: but, even if the debt were so reduced, the prospect of having to pay it with his other obligations was sufficiently appalling.

As assistance to Penn, which was probably the chief object, the voting of money to his Lieutenant-Governor was worse than useless. In the first place, the new tax to provide the money was as much as the inhabitants would bear at one time, and, notwithstanding the act for collecting the arrears of the tax imposed in 1700 for the Proprietary, the collection thereof in addition to this new tax was found impossible, and was not enforced; so that this source of revenue for the embarrassed Governor-in-Chief was shut off for the time being. He had hoped to have part of the proceeds of any taxation by this Assembly paid to him directly; instead of which Evans under the Act received 800*l.*

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down, and half of the balance of the tax, and half of the 600*l.* or 700*l.* expected to come annually for three years from the impost. Moreover the Assembly of the Lower Counties voted 200*l.* to him. Penn thought that Evans, particularly if he kept the fines payable to the Governor, and took perquisites, ought to hand over everything else in excess of the sum which Penn first allowed him. Penn saw no need for his Lieutenant-Governor to entertain all strangers, or, when a bachelor, even to keep house. The original agreement had been vague, perhaps unavoidably, but rather strangely vague even as to whether the allowance until provision by the Assembly was to be in sterling or money of the Province. Logan thought that it would be fair for Evans to get, through Penn or otherwise, fully 300*l.* Penna. money of the office, and even 500*l.*, if the receipts, including everything, amounted to that, any surplus to be Penn's. The joint housekeeping had been paid for by Logan out of Penn's money. Logan said that they had lived as cheaply as possible, with only two dishes of meat a day, except on a few occasions, with one man, as caterer and butler, and one girl, as cook. The whole expense for the two years had been 600*l.* Penna., running highest, of course, during the five months of William Penn Jr's stay. Evans now coming into funds by the Assemblies' appropriations, Logan asked him for reimbursement to the extent of his share of said past expense. Evans insisted that such share could only be a credit against Penn's debt to him of 200*l.* per annum for two years, that the Assemblies' appropriations were not to be deemed to include a provision for any part of that time, and that the license fees, ship's register fees, &ct. should not be brought into the account. We can not say that Evans's contention was unjustifiable. Thinking of what he had paid or released at the time of his appointment, he or his cousin Peter Evans declared him yet out of pocket

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£500 by the Lieutenant-Governorship, and he withdrew from the Clark house, and took up his residence at an old log house near Shackamaxon. After he had been Deputy four years and a half, getting no further appropriation, he stated his receipts to have been less than 1800*l.*, in other words less than 400*l.* for each year.

Another indication of the cost of living is given in Logan's letter of 9ber, 1705, saying that all things were dear in Philadelphia, and forwarding the complaint of the *incognito* daughter of an earl (see chapter on the People) that she could not keep a maid on the allowance of £40 stg. a year, paying about 30 pounds (currency or sterling not stated, but probably currency) for her own board and lodging at Robert Assheton's. So "Mary Phillips," *i.e.* Lady Newcomen, asked that her note to Capt. Finney for £40 stg., he having lent her 60*l.* Penna. money, be paid over and above her allowance, and that the allowance be raised to £50 stg., to which she would confine her expenses. The statements of Evans in August, 1708, that, by the rate of exchange, 400 Pennsylvania pounds were only 250 pounds sterling, and that all European goods cost nearly twice as much, even in sterling, in Pennsylvania as in England, are probably true for several years before and afterwards.

Having very docilely, during two years, followed in public acts the judgment of those upon whom Penn relied, Evans, contemporaneously with the preference given to the Lieutenant-Governor's tax over that for the Proprietary, and the disagreement with Logan as to the expenses, began to be independent and, moreover, secretive and plotting. Evans's conduct during a recess of the Assembly chosen in 1705 turned against him most of the colonists, at least of Pennsylvania proper, his Councillors as well as the other faction.

Biles having been called before the Yearly Meeting of 1705, and induced to acknowledge his fault in speak-

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ing disrespectfully of the Lieutenant-Governor as a mere boy, and so forth, it was felt that Evans could well forego the collection of the damages judicially awarded: and this Assembly, controlled, as it was, by Penn's friends, and of which Biles was not a member, asked Evans to be satisfied with the submission made by Biles, and to desist from further proceedings. Shippen, Carpenter, Hill, and Norris were the persons sent to intercede, and they obtained Evans's assurances that nothing would be done without prior notice to them. So Biles came one day into town. Evans, meeting him in a tavern, shook hands with him, but at once got a writ to arrest him for the debt, and, although writing to Shippen and others in ostensible pursuance of the promise, had Biles in custody before they could receive the letter. They and Logan pleaded with Evans in vain: Biles was put in prison. Quaker women of Philadelphia undertook to see that he was wanting nothing; but he was in durance a month. Only upon Logan giving notice that he was writing to Penn, and would lay the matter before him, and, moreover, convincing Evans that Biles would never pay the sum, and that the People's representatives would never grant another penny to Evans, if he persisted, did Evans take Biles out of prison, doing so when going with the Judges of the Provincial Court to New Castle, and giving Biles the honor of accompanying on horseback the party as far as the ferry over the Schuylkill. This amends to him did not greatly appease the public.

The scare concocted by Evans, although claimed by him to have been similar to what was frequently done in the West Indies, would have been unworthy of even a younger man, and certainly justified Biles in his disrespectful remarks aforesaid. Evans concocted—perhaps we may say forged—a letter purporting to come from Gov. Seymour of Maryland, announcing the appearance of a French fleet off the coast, and also ar-

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ranged that the Sheriff of New Castle should send the letter by express messenger to Philadelphia, and that the Secretary's clerk, receiving any package from New Castle, should bring it out at once to George Roche's house across the Schuylkill, where the Lieutenant-Governor was dining. The dinner was about the middle of the day. The shrewd Secretary, Logan, suspected that a hoax was being perpetrated, but Evans positively denied this, and brought the dinner company to town, where, having had a similar message come ostensibly from East Jersey, he held a meeting of the Council, and issued a proclamation for all persons to furnish themselves with arms and ammunition. The militia, to the number of about forty, kept guard for two nights. Meanwhile, John French, Sheriff of New Castle, was raising the alarm throughout that county. On Thursday morning, May 16, French and Tonge, Clerk of the New Castle Courts, arrived in Philadelphia about 9 o'clock, in great haste, and apparently in great consternation, saying that, at about 2 that morning, six brigantines passed the fort at New Castle, firing about forty or fifty shots at the town. A letter from Sussex was read, saying that Lewes had been burnt. The Lieutenant-Governor mounted on horseback, and rode up and down the streets of Philadelphia, with sword drawn, directing all combatants to Society Hill (Pine above Front Street). The horrors of slaughter and pillage, if not destruction, seemed imminent. Some persons started to drive or sail with their goods away from the city, but were detained by the volunteer soldiers, who, in the excitement, fired, luckily without hitting anybody. Some persons threw their goods into wells. Women were taken ill. Quakers who adhered to their principle of abstaining from war, were insulted and threatened. If, as is supposed, the design was to test the Quakers' sincerity, they stood the test. It was Meeting day, and

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the Meeting was attended. Scarcely any Quakers, only about a half a dozen, including Shippen's son Edward Jr., were betrayed into taking arms. Logan decided to investigate, got a boat with four oarsmen, and went down the river. Meeting a shallop coming up, he learned that nothing had happened; so he returned, and undeceived the citizens. A few days later, the Councillors who were not Quakers waited upon Evans, and urged the calling of an Assembly, to pass a militia law obliging all non-Quakers to serve, and everybody to contribute. Otherwise, an address to the Queen might be sent. When Evans proposed to a formal Council the calling of the Assembly to provide for defence, the Quaker Councillors declared, that, as the only effect would be to get a refusal from that body, the design must be to throw blame, and to effect a change in the constitution. The Assembly, when called, pleaded the poverty of the country.

Evans's immorality, in the most common and restricted sense of the word, seems to have been great about this time, although perhaps not well known until later. In the midst of his more private or less international offences, an official trip to Conestoga in September, made for the purpose of strengthening friendship with the Indians, was marked by such conduct with the Indian women on the part of the Lieutenant-Governor, as well as other members of the party, as, in the words of the Assembly, was "to the great scandal of Christianity."

What was probably a transcript of the written objections of the Lords for Trade and Plantations (printed in *Statutes at Large of Pennsylvania* from 1682 to 1801, Vol. II, p. 464) to certain of the laws of 1700 and 1701, was sent to Logan, who received the same on Dec. 10, 1705, when some of the bills obviating the Attorney-General's objections had been presented to the Lieutenant-Governor, but when there were a

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number of bills still in the House's control. The Lords' objections referring in some places to the contingency of a surrender of the government by Penn, those Councillors who were members of the Assembly deemed it injudicious to let the other Assemblymen see the paper; so it was not disclosed to them until after the formal disallowance of all the laws against which the Lords had endorsed the Attorney-General's objections, or made their own objections. This concealment, which may have prevented the supply bill from being withheld, was unfairly blamed upon Logan, rather than upon the suggesters.

Penn himself brought about the royal disapproval of the law of October 28, 1701, enacted by him in person, for establishing courts. It contained an unfortunate direction that the county courts avoid "all fictions and color in pleadings." This gave to David Lloyd, as counsel for the defendant in an ejectment case, the means of stopping proceedings, an ejectment being based upon a legal fiction. Such abolition of a convenient way of trying a title to land, made the law obstructive of justice. The disallowance by the Queen took place on Feb. 7, 1705-6. The communication of the news that so the judiciary had fallen, was made to the Assembly at its meeting held on Sep. 19 by special call. In an attempt to frame quickly a new act to establish courts, the Lieutenant-Governor and Council failed to obtain the agreement of the Assemblymen, who, while being in favor of a Court of Equity at Philadelphia over the whole Province for matters not within the common or statute laws, and even assenting to such Court being composed of the Governor and a number of his Councillors, yet insisted upon the other courts being held in the respective counties, viz: special courts for capital felonies, county courts for civil and lesser criminal pleas, and a Supreme Court for appeals. The Assemblymen from Bucks and Chester did not

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dare to surrender local convenience, and then face their constituents; so the matter was postponed until the next Assembly. The old law about resurveys &ct. having been repealed by the Queen, a new bill relating to property was proposed, but fell through.

The possession of the Assembly by the Proprietary's friends was short-lived. Some of those chosen in 1705 declined re-election, disgusted with the Lieutenant-Governor. Logan mentions as contributing to the general disgruntlement of the voters in the summer of 1706, a law passed on January 12, 1705-6, which he himself thought good, providing for the rate at which foreign coin was to be paid for debts contracted before the day when the Queen's proclamation as to foreign coin went into effect. Members who had been displaced by the election in 1705, or persons equally or more aggressively inimical, were chosen with Lloyd in 1706, and Lloyd was put back in the Speaker's chair. In place of a bill for courts drawn up by practitioners of law, and submitted by the Lieutenant-Governor, a widely different one was presented, although there had been the concession that the Supreme Court sit twice a year in Bucks and Chester, if there were occasion. These Assemblymen, unlike those whom they had succeeded, were unwilling to give the powers of a Court of Equity to the Lieutenant-Governor and his Councillors, the very agents of the Proprietary, but were willing to have Judges in equity appointed, while also unwilling to secure Mompesson by a good salary for head of the court dealing with appeals in law. Four reforms were, moreover, urged by the House, viz: the Judges to be removed, not at the Governor's pleasure, but upon request of the House alleging misconduct; the Prothonotaries and Clerks to be appointed by the Judges of their respective courts; the fines to go to the expenses of the judiciary; and the licensing of the drinking-houses to be done by the county Justices, instead

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of by the Governor on their recommendation, as in the Frame. Evans and his Councillors, as to these four reforms, did not feel justified in abating rights vested in the Proprietary, and not yet granted away by himself personally. The Assembly wished to enlarge the civil and criminal jurisdiction of the Mayor's Court. In vain did Evans, by concessions and scolding, try to obtain a bill which would not impair the Proprietary's power and revenue. Confident of the Governor's right to establish courts by his own ordinance, the Councillors were soon convinced that process could not be revived except by the legislative power, and they desired that the act of Assembly, thus made necessary, also provide for a salary sufficient to retain Mompesson, who had actually accepted Penn's commission as Chief Justice of the Supreme Court. In the course of the long struggle which followed, the Assembly on one occasion protested against the Council being joined with him in a message, as if having legislative functions. On Nov. 29, the Assembly resolved, that, as one who had advised the acting Governor to insist upon an opinion that he could reestablish courts without the concurrence of the Assembly, and as having given pernicious advice, and as having concealed the Board of Trade's objections to the laws, James Logan was an enemy of the Governor and government; and, accordingly, the Assembly asked the Governor to remove him from his Council and presence. Nearly contemporaneously with a request to the Proprietary by the City Corporation for a new charter enlarging its powers, which, however, was not granted, the House, on 10mo. 3, resolved unanimously to send an address to the Proprietary laying before him the grievances of the People, including the grievances formerly complained of. George Whitehead and other English Quakers had written a letter, read that day, signifying their readiness to join with the Proprietary in any application to

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the British government for the good of the Province. It was resolved to ask the assistance of the writers, and an address to the Proprietary and a letter to them were both adopted unanimously on 10mo. 4.

The Act making the term of Sheriffs and Coroners one year, said that no elections, *i.e.* nominations of two for the Governor to choose from, should be made "before the time limited for those who are at present in those offices respectively shall be expired." Benjamin Wright was Sheriff of Philadelphia County at the passing of the Act, having been appointed in October, 1705, for three years, but was soon removed, and John Budd prior to the next election was appointed by Evans, by virtue of so much of the general power in Penn or his Deputy to fill offices as had not been restricted by the Frame or other laws. In October, 1706, the freemen of the county expressing themselves at the election voted for Budd and Henry Flower as nominees for the office: but, it being claimed that this could not be done before October, 1708, Budd was induced to hold the office as a gift from the Governor. The Assembly, on 10mo. 4, resolved that Logan, by advising Budd not to insist upon the legality of the nomination, had endeavored to subvert the privileges of the People.

Other attempts to restrain the Governor were made. The House offered, if the Governor's power of licensing were transferred to the Justices, to allow him upon each license a larger fee than, by an Act of the last Assembly, he could charge on issuing one. For the reform, as established in England, of making Judges continue in office during good behavior, the advocates fell back upon Penn's original promises to the immigrants, as evidenced by the Frame of 1682. When Evans, in argument, spoke of the difference between the republicanism of the Massachusetts charter, and the distribution of powers between the Proprietary and his People in King Charles's patent to Penn, these un-

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armed freemen—for they were Quakers or such as had called themselves Christian Quakers—boldly reprehended any idea that their rights were at the will of any Prince, and declared the privileges of native born Englishmen their inheritance. At a conference between the Lieutenant-Governor and the Assembly, the Speaker, after talking several times standing, retained his seat while he spoke, and, when, at last, the Lieutenant-Governor desired him to rise, the Speaker said that he was "the mouth of the Country," and was to take his orders from the House. On his keeping his seat afterwards, when answering Evans's points, Evans told him to stand, otherwise no notice would be taken of what he said. The Speaker, declaring himself affronted, broke up the conference, and departed, taking with him all the members of the House. A regret at the interruption of the conference was sent back, with a request that the Speaker have leave to sit at any further proceedings, or, if the Governor could not agree to this, that the Council, without him, meet the Assembly. Evans insisted that he was the Queen's representative and obliged to require deference; Lloyd disclaimed any intention to be rude, but the House argued for his equality and his freedom in speech and gesture in conferences as to legislation, and would not require him to make any further acknowledgment to the Lieutenant-Governor than a repetition of the acknowledgment made to the House: so when, for the opening of a new conference, Evans had insisted upon a submission by Lloyd, no members attended. Further communication was through messages.

The Lieutenant-Governor issued an ordinance on Feb. 22 establishing a Supreme Court, consisting of a Chief and two other Judges, any one to act, to hear appeals in law or equity, also County Courts, held by three of the Justices for each county, to hear cases in law or equity, and to try criminal cases except of capi-

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tal offences, for which special commissions were to be granted. On the same day, a short bill for reviving process was sent to the Assembly. This failed to pass, as the bill desired by the Assembly provided for such revival.

On Feb. 23, 1706-7, the Assembly, following the custom in monarchies of holding the supposed adviser responsible for the acts of the government, exhibited fourteen articles of impeachment against Logan. Except as to some alleged arbitrary acts in the matter of quit rents, resurveys, and patents, and even somewhat as to these, all the charges were a means of hitting Penn or Evans or the Land Commissioners or the Council. None set forth high crimes, loose living, corruption, or extortion for himself.

The Assembly, in a Remonstrance of Feb. 28, protested, that, while the King's Charter, under which the courts had been established, authorized Penn or his Deputy to commission Judges and officers, and to establish forms of judicature and manner of proceeding, the power did not cover the jurisdictions and proceedings themselves, but that such were left to be provided for by law, for which the concurrence of the freemen was necessary. This Remonstrance was printed, and copies were circulated, but did not prevent the holding of court in the various counties. The Lieutenant-Governor pointed out, as a good reason for not giving Judges the tenure established in England, the scarcity in the colony of men educated in the law—there were now about six—and the difficulty of getting such to serve, so that laymen must be picked out, and then superseded, when others appeared to be better. He agreed that if, instead of being obliged to remove Judges upon the unproved allegations of an Assembly, he were merely authorized to do so, and if the Assembly would arrange for a continuing salary for a Chief Justice, so that his tenure and salary would not be

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dependent upon the good will of any temporary majority of the House, he, Evans, would commission any thoroughly fit man as Chief Justice to hold office during good behavior, or until removal in manner aforesaid. The Assembly yielded so far as to consent that so much of its proposed bill as related to the appointment and removal of Judges be omitted therefrom, and embraced in a separate bill, and that what related to the appropriation of fines and forfeitures be omitted; but the Assembly held out for the appointment and removal of clerks by the Judges, and for the licensing of drinking places by the courts. The Assembly presenting on April 18 seven bills, and on May 7 two bills, the Lieutenant-Governor, on the latter date, made legislation impossible by insisting that the revival of process must come first, either in a law such as he would approve of for establishing courts, or in a separate law.

Not residing within the bounds fixed by King Charles's patent to Penn, the freemen of New Castle, Kent, and Sussex had never, like the freemen of his Province, formally received from the Crown the right by "advice, assent, and approbacon (*sic*)" to take part in making laws. The general consent of all the inhabitants to the Act of Union, involving submission to a common legislature with Pennsylvania, may be assumed: but, while the freemen of Pennsylvania could bind themselves to share their powers with the freemen of Delaware, the latter could not transfer powers which they did not possess. At most, they could bind themselves to pay taxes, or contributions to public expenses, and could impose upon themselves police regulations; but without confirmation by the Sovereign there could be no change in the system of jurisprudence covering that part of the world. The written and unwritten law of England, except as inappropriate in the new territory, or restricted by Parliament to the old, can be deemed that system of jurisprudence, for the former

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Swedish and New York authority over the region was thought by many persons, for different reasons, to have been illegal. Confirmation by the Sovereign of any change may be deemed to have been given, when the King or Queen allowed an act to that effect of Penn and his Assembly purporting to cover the Territories: but until this allowance or failure to disallow took place, the act was not in force there. It seems that acts of the Delaware Assembly, after the Disunion, were laid before the King in Council within five years after approval by the acting Governor, but that there were temporary or other acts more or less enforced without waiting for royal confirmation. The majority of the inhabitants being Churchmen, Swedes, or Presbyterians, six companies of militia were formed among them. A tax was levied, and, certain Quakers declining to pay, suffered heavy fines and costs. Logan, in a letter of 8mo. 24, 1705, spoke of these counties as having at the time "the best and most regular Militia for their number of inhabitants of any place on this continent." A law, passed about this time, for regulating and maintaining this force, exempted Quakers from contribution. Owing to this, James Coutts resigned his captaincy. About the end of November, 1706, a law received the vote of the local Assembly for maintaining a fort at New Castle, such law requiring all vessels passing it to stop, and all not belonging to the river to pay a toll, to be expended for powder. Evans, as invested with gubernatorial power, enacted this, contrary to Logan's judgment. Allowed discretion as to carrying on the work, Evans soon had the fort begun, and gave orders to demand the toll. Even the requirement to stop was resented by the traders of Philadelphia, who, without going into the question of the Delawareans' power to legislate for themselves, relied upon the grant to William Penn, his heirs and assigns, in King Charles's patent, of "the free and undisturbed use and continu-

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ance in and passage unto and out of all the ports, harbors, bays, waters, rivers, isles, and inlets belonging or leading to or from the country." Hill, the Councillor, and others, including his brother-in-law Samuel Preston and William Fishbourn, owned a sloop lading at Philadelphia for Barbados. Hill and Preston told the captain not to stop at New Castle. The sloop was duly cleared, and the Governor's pass from Philadelphia obtained. Before weighing anchor, the captain waited upon Evans, who threatened that if the sloop did not stop, he would fire upon it, and put the captain in prison. Hill, on hearing this, and meeting Evans in the street, protested vehemently. The next day, Evans went down to New Castle on horseback; while Hill, Preston, and Fishbourn went on the sloop, to see it through. As it approached New Castle, John French boarded the vessel, and even exceeded the requirement of the Act by demanding toll, and, when the captain refused, arrested him, taking him out of the sloop. Security that if allowed to proceed, he would pay any sum judicially declared due, was refused. Preston and Fishbourn went ashore to see the Lieutenant-Governor. Hill, who was an old sailor, took charge of the sloop, and kept her on her course. Seeing this, Evans followed out his threat with a shot from a cannon, and went himself in one of the boats which had been started in pursuit. The sloop escaped to New Jersey, where happened to be a vessel waiting for Lord Cornbury, and flying the Queen's flag. Putting the sloop under this protection, Hill went in Lord Cornbury's barge to Salem. Evans having sent Lowman, the Collector of New Castle, and Thomas Grey, the Deputy Secretary, to complain to Cornbury, the latter, after hearing both them and Hill, sent back the barge for French and the captain. Meanwhile, Evans boarded the sloop, and acted in such a way as to be guilty of violence to persons under the protection of the Queen's flag outside of

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his own jurisdiction; so that, when he too came in the barge to Salem, Cornbury told him that he had affronted the Queen's government. Upon Cornbury's insisting, the captain was put back on his sloop, and allowed to continue the voyage. This was on May 1st. For some days, Evans violently announced his intention to enforce the Delaware law, and there was the prospect of his levying war by means of the southern People under him against the northern People under him. It was not certain that the non-Quaker mariners would confine themselves to trying to run the blockade: therefore bloodshed might result from any attempt to board. The whole mercantile community of the Province was thus turned against Evans. The Councillors hitherto so friendly to him, to the number of ten, drew up a representation to him against the law, and the House passed unanimously resolutions against the attempt to interfere with Philadelphia trade, the firing on the ship without even the said law authorizing it, and the refusal to accept security. So, on May 19, the Lieutenant-Governor complied with the Council's request for suspending the execution of the law, to the extent, at least, of waiting until the Assembly of the Lower Counties should have a chance to repeal it.

When, in the early part of May, the Assembly of Pennsylvania attempted to bring Logan to pleadings and trial upon the impeachment, for which the Lieutenant-Governor arranged public hearings in the two large rooms of Clark's house, the Councillors had unanimously warned the Lieutenant-Governor against sitting as Judge, in view of the silence of the Frame of 1701 as to trying the impeachments which the House was empowered to make. He accordingly told the Assembly, that, doubting his capacity to try, he was willing to hear any complaints, and to redress what appeared well founded. The Assembly maintained that the Governor was warranted by the Constitution to

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judge, that the Council could not sit with him judicially, and that Logan should answer in writing each charge according to forms which Logan, in view of the informality of the inquiry, was not observing. Thus a deadlock was reached.

About the middle of June, 1707, Nanticoke Indians from seven towns came to the district on the Susquehanna inhabited by the Indians in alliance with Pennsylvania, the visitors being on the way to the Five Nations to take tribute from their nation, and belts to renew peace from the Governor of Maryland. The Seneca-Susquehannocks of Conestoga and Pequehan desired the Lieutenant-Governor of Pennsylvania to come to see the strangers. At the same time information was received in New Castle, where the Lieutenant-Governor was, to the effect that Nicole Godin had been trying to stir up Indians to join the French, and that the Shawnees had put to death a captured enemy at the instigation or with the participation of another Frenchman, Francois ————. Lieutenant-Governor Evans accordingly hastened from New Castle, accompanied by four servants and by John French, William Tonge, Peter Bezellon, Thomas Grey, and Michel (to be mentioned in the chapter on the Germans), and went, by way of Octorara, Martin Chartier's house, and Pequehan, to Dekanoagah (near the mouth of Conewago Creek?), nine miles from Pequehan, and at Dekanoagah met Shawnees, Ganawese, and Seneca-Susquehannocks, as well as Nanticokes. The Lieutenant-Governor promised to all present his endeavor that whoever injured them should make satisfaction, and it was also agreed that a belt on behalf of Pennsylvania should be carried to the Five Nations by Andaggy-Junkquagh. Returning to Pequehan, Evans reassured the Shawnees of his friendship, speaking to their king Opessah. Several Shawnees had just come from the southward to settle there, and were, with Evans's consent, permitted by

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Opessah to do so. The Shawnees were alarmed at the expedition against a Shawnee town in Carolina by the Flatheaded Indians, at the instigation of the Governor of that colony, in punishment for the killing of several Christians. On July 1, Evans and company went to Conestoga, and, leaving it the next morning, arrived in the evening of the 2nd within three miles of the Indian village called Peixtan, and, the next day, by lying in ambush just out of the village, and having Godin enticed out by Chartier, arrested Godin. Evans and company, overawing the inhabitants of the village, carried him through it, and, by way of Tulpehocken and Manatawny, brought him to Philadelphia. It was decided that Godin should be tried as a natural born subject of the Queen of England, but no record as to his being convicted or punished has been seen. Francois was arrested during the same journey, and brought to Philadelphia.

In the course of Michel's exploration for ore, he took with him some of the Indian traders who spoke French, viz: Bezellon, Le Tort, and Chartier, and others, and built what were spoken of as houses on the branches of the Potomac, within the supposed limits of Penn's domain. Evans had suggested Michel's taking some Indians with him; so Michel sent to the Indians of Conestoga in the name of the government a demand for laborers, whom he promised to pay: but the Indian queen and principal men deemed the proceedings a violation of the league of friendship, and sent an inquiry to Philadelphia whether such a settlement and demand had been authorized. The government, on Feb. 25, 1707-8, ordered these intruders to return to their places of legal residence.

The only other incident in Indian relations during Evans's administration was the slaying of a white man by Shawnees at the instigation of another white man. Francis Letore, servant of Steelman, a trader, had de-

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parted from the latter. Steelman, offering presents, asked the Shawnees to hunt him up, and added: "or kill him." Opessah, or Wopaththa, the king, refused, and expostulated with Steelman; but certain young men, who were on their way to the woods, determined to win Steelman's presents, and, meeting Letore and some of his companions beyond the bounds of the Province and Territories, attacked and killed him.

While this Assembly and the Lieutenant-Governor were in the midst of their quarrel, the Governor-in-Chief was making some progress towards a sale to the Crown. After a request by him to the Commissioners for Trade &ct. to consider the subject, he appeared before them on Jany. 31, 1706-7, and they reported on Feb. 5 that they found in him a ready concurrence and disposition to make a surrender of the government, and that it appeared that he had accomplished a very difficult undertaking by improving a desolate wilderness, and had diminished his own future, not having time to reap the profits, the returns not countervailing his expenses. The opinion was expressed at the same time, that the privileges, immunities, and liberties stipulated for by him were capable of being extended to the diminution of the royal prerogative, while a voluntary surrender would be a great benefit, but the surrender should be absolute and unconditional, leaving the amount to be paid to Penn to her Majesty's grace and goodness, as it was found that Penn was ready to do. Replying on July 2, 1707, to certain queries, Penn said that his gains by the land ought not to be taken into consideration in valuing the government, he having bought the land from the natives at dear rates, but he had never received one fourth of his expenses; for the powers of government he asked £5000 be paid him in America and £15,000 in England, £8000 thereof in money and £7000 in English copper, with the right to

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coin it into pennies, half pennies, and farthings for the colonies.

The various surrenders which Evans made to public feeling were too late to rehabilitate him in the eyes of Pennsylvanians, or of Penn, or of the Quakers of England, whose respect for Penn was diminishing while he continued to be represented by such a Lieutenant. Before the affair of the sloop, Penn thought of sending back William Jr. to take Evans's place, but Norris, who was visiting England, boldly told the elder William that it would not do, that the colony required as good a head as most of the other plantations. Mompesson was then thought of. The address of the Assembly to the Proprietary voted in 10th month was duly received by Whitehead, Mead, and Lower, and communicated by them to him. He, on 3mo. (May) 15, 1707, wrote to Evans to exert his authority to the utmost in punishing vice, and to reduce the number of public houses, and to allow none in the city except upon recommendation by the City magistrates, and none in the county except upon recommendation by the county Justices in open court. Penn also took the occasion to censure Evans for his beating the constable, countenancing the false alarm, and enforcing against non-resistants the fines imposed by a militia law of the Lower Counties.

Norris's explanations were able somewhat to lessen the effect of the Assembly's expressions upon Whitehead, who was a kinsman of Norris. Penn's financial prospects at the same time seemed temporarily to brighten. There had been some hope of a body of German or Swiss immigrants taking up land, and Quakers of means began considering some scheme for his relief, so that he was glad that the Susquehanna project had expired, and he did not press the negotiation with the Crown. On a hearing in 3rd mo., 1707, the Lord Chancellor rather encouraged Penn's lawyers in the

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view that the deed to Ford was only a mortgage, although deciding adversely the application to reopen the account. The Fords having arrested Penn in an action for £2000 rent, the case went over until Michaelmas Term, 1707, while certain Friends, at the request of George Whitehead, examined the accounts, and decided, that, as the elder Ford had actually had £1000 more than he paid, the most liberal allowance for interest, salary, &ct would be between £4000 and £5000.

More substantial at the time was the help that came to the Proprietary from that son upon whom Quaker history has been so severe, and the closer relations with him gave the elder William some happiness. William Jr. had, in the beginning of 1705, unsuccessfully run for Parliament, and had subsequently joined Lord Fairfax, Admiral Rooth, Robert West, and W. Russell in sending an unprofitable expedition to search for wrecks supposed to contain treasure, and had, more recently, been disappointed as to obtaining a government position. The letter dated July 14, 1706, quoted in the chapter on Government by Penn's Friends, unsigned but evidently from Penn, without address, but apparently to Secretary of State Harley, is very bitter against somebody, evidently the Earl of Godolphin, Lord Treasurer, for offering to recommend the writer's son for a captaincy under the Duke of Ormond in Ireland, when the person making the offer had frequently promised a position of at least £600 per an. The letter goes on: "Ned Southwell secretary of that Kingdom, and my son captain of a foot company! He shall go dig potatoes first." The aversion of the son, as well as of the father, to a military employment is mentioned. A civil employment even in Ireland of £500 or £600 is asked for, or else for the officials to "give him £1000 to pay his two years expenses in fruitless waiting and let him go live of his own." Not long after the date of this letter, William Jr. and his wife recognized that they

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must leave their home at Worminghurst; and William Jr., in exchange for some prospective settlement, let this inheritance from his mother be sold, and the proceeds applied to the father's and his own debts, which is very different from Maria Webb's conjecture, voicing the Quaker prejudice against William Jr., that he "probably squandered the proceeds." The father speaks of the profit made out of Worminghurst, which having cost £4500, sold for £6050, "after I had cut down £2000 of timber." When the sale had been made, every obligation except those to William Jr. and William Aubrey, and except that to the Fords was cleared off; for a number of creditors agreed to take drafts on Logan, whose accounts had been showing not only uncollected money due, but funds in hand awaiting opportunity for forwarding.

As the time for the new trial at law approached, William Mead, notwithstanding previous and recent failures to induce the Fords to compromise, expressed the opinion that they might do so for perhaps £5000 or at most £8000, and is said to have promised his supposed influence to bring this about, and the project of certain Quakers was to take all Penn's property, probably exclusive of the Governorship, pay all his debts, allow him £500 a year, and reimburse themselves gradually.

The Assembly having, on 1mo. 1, 1706-7, voted to send extracts from their minutes to Whitehead and others and also a remonstrance to Penn, this Remonstrance was adopted on 4mo. (June) 10. It threatened to lay before the Queen the mal-administration of Penn's Deputy and the ill carriage and actions of the Secretary, unless the same were speedily redressed. It asked relief in the matters complained of in the former Representation signed by the Speaker according to heads agreed upon by the House on 6mo. 26, 1704. It asked consideration of the address adopted

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on December 4. Incidentally referring to the "vile abominations" committed by some who lately went with the Lieutenant-Governor to visit the Indians, it said that he was allowing dangerous persons from Canada to trade with them. It complained of the Lieutenant-Governor's attitude as to the bill for courts, and as to the impeachment of Logan, and of the Lieutenant-Governor's action under the law of New Castle. It closed by saying that, whereas the Lieutenant-Governor ought "by a sober and virtuous conversation to have been a good example to the Queen's subjects . . . he hath by his excesses and misdemeanours dishonoured both God and the Queen," and that nothing would atone for the "great and public scandals" and the arbitrary proceedings before mentioned but his immediate dismissal. On the same day, a letter to Whitehead, Mead, and Lower was adopted, requesting them to use their utmost endeavors with the Proprietary for redress and relief and, especially, the removal of both the Lieutenant and Secretary, and, if the Proprietary refused, then to make application to the "Superiors" for speedy help from the sore afflictions. A catalogue of particulars was sent with this last letter. It mentions, among other things, the exemptions still continued in favor of the Philadelphia militia from serving as watchmen and constables, although there had been no muster since the false alarm of May, 1706, the granting of a commission in June 1706 for privateering for one year to Thomas Hurst, without any power from the Admiralty, and Evans committing excesses & debaucheries in his house a mile from town "not fit to be rehearsed."

It apparently was after receipt of this communication, and of news of the affair of the sloop, or after reflection, and with conclusions strengthened by such cumulative evidence of the unhappy circumstances of Friends in Pennsylvania, that Mead suspended endeavors in favor of Penn. Instead of turning false,

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as Penn's friends complained, it may be said that Mead showed what rustics would call "horse sense;" but he put it in the following pious language, or something very close to it, to those who now conferred with him: "The query ran through me from the Lord, how can I be instrumental to clear William Penn of this incumbrance and set or establish him in that Government over that People, until he redresses their grievances, and eases them of their abuses?" So he sent to Penn for signature a written stipulation to relieve, redress, ease, and right wrongs of the People of Pennsylvania. Penn, deeming the form of the instrument a confession of guilt upon unjust charges made against him, refused to sign. Penn subsequently wrote to Carpenter, Owen, Story, Pusey, Hill, and Rowland Ellis, for circulation in Pennsylvania, a letter telling of his letter to Evans, and promising not to be wanting in any other matters wherein the inhabitants were "really aggrieved," and which it was in the Proprietary's power to redress. This, if it otherwise would have influenced the election of that year, was not written until after it had taken place.

The Assemblymen chosen in 1707 were nearly the same as those chosen in 1706, and reelected Lloyd as Speaker. On meeting them, Evans made a disagreeable speech. The House made a spirited reply. Then the Lieutenant-Governor, by a still more violent message, speaking of the unjust imputations, reflections, and invectives, and saying that he would not waste the country's and his own time by repeating his arguments, prorogued the House until the last day of the term for which the members were elected, unless the Queen's command or some exigency should require it to meet.

In Michaelmas Term, a verdict was obtained by the Fords against Penn. Several persons advised him not to pay, but go to prison, as a testimony against the extortion, pending a decision as to the whole indebted-

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ness in Chancery, or on appeal to the House of Lords. A third course was possible, viz: to abscond, for by the time that the law courts would next sit, the Chancery was likely to give a decision. He neither paid nor ran away, and on Fourth day, 11mo. 7, 1707-8, the bailiffs went to Grace Church Street meeting to seize him, and were only prevented from taking him out of the gallery by the promise made by Henry Gouldney and Herbert Springett that he would come to them in a few hours. This he did, and by *habeas corpus* turned himself over to the Fleet. He got good quarters in the Old Bailey.

The Fords even went to the extreme of petitioning the Queen, on the strength of the deeds from Penn, to put Philip Ford, the heir-at-law, in possession of the government of Pennsylvania. The Lord Chancellor of England, to whom the petition was referred, granted to both sides a hearing, and then reported that the application was premature, because, if Penn paid off his obligations, he should be put in possession again, and thus the government would be ambulatory, which was unreasonable. Upon the Lord Chancellor's report, the petition was refused.

After Penn had taken up his abode in the Old Bailey, Whitehead, Mead, and Lower went to see him there, and threatened that if he did not discharge Evans, and appoint a man of virtue, years, and experience, and moderate spirit, they would lay the Assembly's complaint before the Queen and Council. Finally the Proprietary decided to nominate Captain Charles Gookin. The royal approbation was given at Windsor on July 18, 1708, and the commission was dated Sep. 3, 1708, but nearly five months elapsed before he reached Philadelphia.

Under date of July 5, 1707, Penn chartered, or gave a new charter, for, the school in the City of Philadelphia since known popularly as Penn Charter School, where the poor children of both sexes were to be taught

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reading, writing, working, &ct. and good and useful literature, and be maintained gratis, and the children and servants of the rich were to be instructed at reasonable rates. The grantees were Samuel Carpenter, Edward Shippen, and others, who, without being legally limited in filling their vacancies, could be depended upon to choose Quakers. As an educational institution of the City beneath the grade of a college, and preparatory for a college course, it has been in our day inferior to none.

In the summer of 1708 privateers infested the mouth of Delaware Bay, and captured several vessels. A special session of the Assembly was called, and an appeal was made to that body for money. In two days an answer was returned, complaining that warning had not been given to the High Admiral or his deputies before the devastations had been committed, and saying that the 800*l.* from the land tax and the half of the impost and excise appropriated to the Lieutenant-Governor for support of the government ought to be applied for the public service, the Assembly not pretending to direct the way and manner, but being ready to grant further supplies, if said sums were insufficient. The former opinion was reiterated and discussed in subsequent messages, that the quit rents were sufficient for the support of the Proprietary or his Lieutenant answerable to their station, and that the fines, forfeitures, escheats, and other perquisites should be applied to the common good. On Aug. 7, the Assembly pointed out that the Vice Admiral, and not the Governor, had authority over the river and bay, and the Governor, having no special license from the Queen, could not take possession of ships, and fit them out for defence.

The Fords finally settled with Penn for £7600, executed a release, and let him out of prison. All of that sum except £1000, which Penn had on hand, was advanced by Henry Gouldney, Joshua Gee, Silvanus

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Grove, John Woods, Thomas Callowhill, Thomas Oade, Jeffery Pennell, and Thomas Cuppage, the four first named making up £3100, Callowhill and Cuppage each lending £1000, and Callowhill also joining with Oade and Pennell to make up £1500. To these eight persons, all said to be Quakers, the Proprietary and his heir apparent, William Jr., executed a lease and release, dated Oct. 6 and 7, 1708, mortgaging Pennsylvania and the Territories with all powers &ct. and quit rents, saving to the heirs of the Duke of York all rents and profits reserved to him, and excepting for William Penn Senior and William Penn Jr. the manor of Pennsbury, containing about 4000 acres, and excepting 5000 acres conveyed to William Jr. on Oct. 21-22, 1681, and 5000 acres conveyed by William Jr. to Norris and Trent, and the land granted to the London Company, and all other lands granted by the Proprietary to any person whatever. The mortgage was to secure the repayment of said £6600 with 6 per cent. interest on or before Oct. 8, 1710, free from taxes. William Penn Senior was to have for two years the right to sell clear; afterwards the mortgagees could sell; the proceeds of all sales were to be applied to the reduction of the mortgage.

Evans had bought a plantation near New Castle with the intention of settling there. Hearing of Gookin's nomination as Governor, he never met the Assembly of the Province chosen in 1708, but, going to New Castle, addressed the Assembly of the Territories, and remained there until near the end of October.

The legislative status of the People of the Lower Counties being, as we have seen, unsatisfactory, and the inclusion of the port of New Castle under the same government as Philadelphia being supposed to retard the advance of the former, some of the principal residents of the region, on hearing of Gookin's appointment, thought that they might secure the assistance of

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Evans to the establishment by the Crown of a separate royal province, with him at the head. Yeates, Halliwell, Coutts, and Robert French had themselves chosen to the Delaware Assembly, but Evans was not made privy to their design. He addressed the Assembly, and asked for a continuance of the militia law or a new provision for defence, and for an allowance for his support. Thereupon, that body, by James Coutts, Speaker, expressed a want of resolution, and of cheerfulness, for performing such duties, in view of the representatives of those Counties never having received from Penn a satisfactory answer to their addresses, particularly as to his right of government over the region, and therefore requested Evans to submit for examination of the House his powers as to legislation. This was intended as a hint to him; but, whether he really, as a note to the minutes of the Council says, "had too much honor," or whether he thought that Penn's kindly feeling would do more in England for his future, Evans was nettled at the suggestion of having acted without authority, and he gave an answer, set forth in the minutes, standing upon the general recognition of his very questionable authority. The friends of Penn, fearing that the House would proceed further, induced the non-attendance of eight members, viz: Richard Empson from New Castle, Joseph Booth from Kent, and Thomas Fisher, Cornelius Wiltbank, Philip Russell, William Fisher, Nicholas Grainger, and Ad. Johnson from Sussex, these being excused by the Lieutenant-Governor, and explaining to their colleagues that they deemed his answer to the House satisfactory, and the questioning of his authority dangerous. The House was left without the quornm spoken of in the Charter. The remaining members, notwithstanding the election of an opponent to fill a vacancy, sent an Address to England relating to the powers of government, defence, &ct.

The Assembly of the Province met, elected Lloyd as

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Speaker, and, on October 15, reading a letter from Whitehead, Mead, and Lower, unanimously voted to thank them, and to desire them to thank the Proprietary, for removing Evans, and to intercede for the removal of Logan. The next day, after arranging that the letter to those London Quakers be signed by all the members, the House adjourned until March.

On Oct. 28, Evans married Rebecca Moore, daughter of John Moore, the Collector. Her sister afterwards married the Lieutenant-Governor's cousin Peter Evans, as will be mentioned in another chapter.

One of the last acts of Lieutenant-Governor Evans was to sue out a bond given by Thomas French and William Howston that the marriage of French, for which license had been issued, would be performed according to the Church of England. Default had been made in strictness by the marriage being performed by a Presbyterian minister. Judgment being obtained, Evans caused Howston to be imprisoned for the debt. Penn sent over an order to the succeeding Lieutenant-Governor to release this sufferer for another's exercise of religious liberty.

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CHAPTER XVI.

Agreement to Sell the Government to the Crown.

Lt. Gov. Charles Gookin—Composition of his Council—Gookin refuses to act against Evans and Logan—Queen orders participation in Vetch's expedition—Assembly offers a present of 500*l.* to her, and refuses to send ammunition to New Castle —Indians summoned to assist, and order countermanded—Gookin leads a force resisting a landing party from a privateer—Disagreement as to legislation—Remonstrance of Assembly and election of 1709—Attempt of Assembly to have Logan arrested—He goes to England—Evans's departure and later life — The Tuscaroras — Gookin meets Senecas and others, but postpones the matter of Letore's murder—Steps taken for surrender of government—Proprietary's friends triumph in 1710 —Their legislation—The old radical affirmation—Another interview with Indians—Another expedition against Canada: the Assembly votes 2000*l.* for "the Queen's use," first paying masters for runaway servants—Some Pennsylvania Indians take part—The Tuscaroras move to Pennsylvania —Assembly of 1711—Power to tax for debts and improvements of City of Philadelphia—Probate of wills—Prohibitory tariff on negro and Indian slaves—Fur trade less profitable to neighbouring Indians—Penn's troubles wear him out—The moiety of rents in Delaware computed—Preparations for the sale of the government—Part payment—Penn disabled by illness from signing the instrument, and permanently incapacitated.

Lieutenant-Governor Gookin was, if not actually a native of Ireland, yet a grandson of Sir Vincent Gookin,

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who was one of the planters there in the time of James I and Charles I. William Penn had known the family for forty years by the time he decided to make Charles Gookin his representative. Gookin was then forty-six years old, with a good reputation in the army. He had served in the war against James II in Ireland, and afterwards at sea, and in the West Indies, and was a captain in Lieutenant-General Thomas Erle's regiment, having been many years under the latter's command. Gookin was a Churchman, as it was necessary that the Lieutenant-Governor should be; and he had zeal enough to bring presents for the use of Christ Church, Philadelphia, and to be a member of the Vestry of the same, and subsequently, as will be seen, to stand in support of an unworthy minister. The Proprietary thought, and probably satisfied Whitehead and other leading English Quakers, that much could be hoped for, because of Gookin's long submission to discipline, mature age, and steady habits. What was also in Penn's mind was that Gookin's being a bachelor and his simple tastes would leave him satisfied with a small salary, whoever was to provide it. Nor was he absolutely without money, but, on the contrary, from the sale of what he had in Europe, including his captaincy, expected to be a landowner in the district over which he was to preside. He actually lent Penn £200 before leaving England, to be repaid out of money in Logan's hands. Unfortunately, Gookin had seen little of civil government, but he was expected to learn under those advisers with whom Penn surrounded him. He was to be a respectable and tactful representative of the Proprietary. Action according to the interests of the latter, Logan would be at hand to suggest; or, if Logan succeeded in making a contemplated visit to England, certain other Councillors might be depended upon. Penn took no risk of being injured through conceit or self assertion in the Lieutenant, or his collusion with those who

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controlled the Assembly: a bond was exacted from Gookin to take no steps in government without the consent of the Council.

Gookin arrived in Philadelphia on Jany. 31, 1708-9, was proclaimed in the market place on the next day, and took the oath of allegiance &ct. on the day following, and the oath under the Navigation laws on Feb. 3. In the Council, of which Shippen and Story, his son-in-law, and Finney and his son were still members, a third family connection received in a few days undue representation, and the predominance of Quakers and of those more or less associated in business was increased. Councillor Hill's wife was a daughter of the late Thomas Lloyd; another daughter had married Isaac Norris, often associated in business with Councillor Trent; a third daughter, Rachael, had married Samuel Preston. Logan, speaking of vacancies in the Commission for Property, wrote to Penn in 11mo., 1708-9: "Rachael's husband has been too long neglected for thy interest." On February 9, 1708-9, Gookin added both Norris and Preston to the Council. On the next day, an element independent of these was introduced in the person of Anthony Palmer, a Churchman. In the course of Gookin's administration, changes took place in the membership of the body, but not in its political attitude, nor, for more than a few days, in its ecclesiastical complexion. Shippen, Carpenter, and Samuel Finney died, Story and John Finney removed from the dominion, and Jonathan Dickinson, who was a Quaker, and Robert Assheton, Penn's cousin, who was a Churchman, were appointed.

Penn had instructed Gookin to endeavor to reunite the Lower Counties to the Upper in the legislature; but in Pennsylvania there was doubt of the legality of attempting to give to men a share not granted by the Sovereign in the autonomy conferred by King Charles's Charter. At the same time, there was less harmony

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than shortly before among those Delawareans anxious for an executive independent of Penn. It had been learned that Coutts, carrying to England their address, was disposed to get the Governorship for himself, and this seemed to other signers so undesirable that they even offered their influence to Evans for his getting the office, but he was not tempted. It became clear, however, that Penn could not comfortably administer the Territories south of what King Charles had granted to him, unless he received formally from the Crown powers to govern within certain geographical limits, and the freemen there received the power to join him in making laws. All this seemed too much to bring about. A more practicable solution would be to get the Crown to give some money to Penn for a quit claim of his pretensions.

The Assembly of Pennsylvania, resuming session early in March, 1708-9, showed no inclination to drop the quarrel with Evans and Logan, but, speaking of Evans as too much influenced by "evil counsel," asked that he, before leaving the country, be prosecuted for the false alarm of May, 1706, with the shooting at the Queen's subjects, and the taking possession of their powder and lead, and also for his firing shot at the Queen's subjects passing New Castle in lawful trade with the Province. Evans wrote thereupon to Gookin, declining to answer the charges, except before those in Great Britain who had a right to require it, and Gookin told the Assembly, that, as those actions of Evans were known before he, Gookin, was appointed, and he had no instructions regarding them, he could not concern himself with them. To the resentment of nine Councillors who had served under Evans, against the term "evil counsel," the Assembly made a disclaimer, but asked the removal of Logan. Naturally the Lieutenant-Governor did not comply.

During the remainder of the Assembly's term,

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largely taken up with framing a law for courts, there was agreement upon two acts—one, passed April 30, for ascertaining the rates of money, *i.e.* value of foreign coins, for contracts made before the 1st of May, and the other, passed Sep. 29, for enabling certain settlers from High and Low Germany to hold and transmit real estate, and to sue and be sued.

The war with France was brought to the very door of Penn's dominion by a French privateer, on May 7, plundering Whorekill.

By royal instructions dated Feb. 28, 1708-9, issued to Col. Samuel Vetch, Pennsylvania was to furnish 150 men, exclusive of officers, for an expedition under his command against Canada, and the governments of New York, Connecticut, and Pennsylvania were to build a storehouse and boats; and the quota from Pennsylvania was to be ready by the middle of May. That time had already arrived when Gookin, returning from a consultation on the subject in New York, laid these instructions before the Council with a royal letter confirming the same, under date of Mch. 2, 1708-9, to the Governor of Pennsylvania. Thereupon an embargo was laid on all shipping, and a proclamation from Col. Vetch to encourage enlistment was set up, and, on June 2, a request was made to the Assembly for 4000*l.* for "the support of the government," to be applied solely to the expedition, and also for a sum to provide the inhabitants of the Lower Counties with ammunition to defend New Castle, as the outpost of Philadelphia. On June 7, eight Quaker members of the Council, viz: Shippen, Growdon, Carpenter, Pusey, Logan, Hill, Norris, and Preston, met various members of the Assembly at Carpenter's house, and unanimously urged that it was the duty of Friends, although they could not bear arms, to support the Queen's government, and to contribute according to the exigencies of her public affairs, and that therefore a proper sum of money

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should be presented to her Majesty. The Assembly's reply to the Governor expressed inability conscientiously to furnish provision for defense, but offered a present to the Queen of 500*l.* In justification for not voting more, it was claimed that this sum could only be raised by a tax of 2*d.* or 2½*d.* per *l.* valuation of the principal of estates, which by the local method of assessing estates was, in case of ground rents, twenty years' income. A tax of 2½*d.* on principal of a ground rent was therefore said to be more than the highest tax ever voted in the current or preceding reign in England, viz: 4*s.* per £ of the income. The embargo, being apparently for securing the means of transportation for the expedition, was removed, when it was found that Pennsylvania would not take the part asked of her.

At this time, Andaggy-Junkquagh and Woshtachary, and apparently Indian Harry, were among the Mingoes living on the Susquehanna, the queen, Conguegos, probably having her hut or wigwam in the village of Conestoga until her death in 1714; while at a village called after a region, Peshtang (hence Paxtang), above Conestoga, and at adjacent places were Delawares, including Owechela, Passakassy, Sassoonan (alias Allummapees), and Skalitchy, and apparently Sam, the son of Essepenaike; and among the Ganawese were Peter and Pipskoe, and apparently John Montague. The Shawnees seem to have left their location on the Pequea about this time, settling in the region divided by the Susquehanna near the foot of the Blue Mountains. On the day that the Lieutenant-Governor received the offer from the Assembly, he ordered a message to be sent to the Indians at Conestoga and other places, to say that if they would immediately join the Five Nations in the expedition against Canada, the warriors would receive a good reward, every man a gun &ct., by the Queen's order. An immediate answer was requested. It is noticeable that to this project of extending the

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war to the savages, and so adding to its horrors, none of the seven Quakers present at the Council's meeting raised any objection: apparently the order was made with their consent; for there was only one non-Quaker present. On June 15, an answer being brought back that the Indians at Conestoga would forthwith call in all their young men, and with all their force come to Philadelphia to proceed to Albany, it was decided, in view of the Assembly's vote against taking part in the expedition, to ask the Indians to defer their coming.

On the 6th and 7th of July, Gookin was in the field again as a military commander. At the head of a small force at Lewes, he prevented a French privateer from effecting a landing. A few days later, in Philadelphia, he issued a proclamation calling to arms all men between the ages of 16 and 60 upon a real alarm.

In July, 1709, a delegation of the Indians came to Philadelphia, and explained that the tribesmen had prepared in the early Summer to go to the Five Nations, and take twenty-four belts of wampum as the tribute, but that the Five Nations had soon sent them word that all the Indians of these parts, and also of Maryland, who were all tributaries of the Five Nations, should meet some of their chiefs who were coming to Conestoga. It was now too late to make a journey northward, and return before cold weather; besides, fearing a French invasion of the coasts, the warriors were afraid to leave their wives and children unprotected. The Lieutenant-Governor reassured the visitors as to any likelihood of the French privateers landing any force, and warned against listening to tales, and asked to be informed of any traders who spread tales. The Lieutenant-Governor, moreover, spoke of the expectation of a large fleet to conquer Canada. The Indians departed with presents.

The offer by the Assembly of 500*l.* to the Queen was not fulfilled that year, the question of the Lieu-

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tenant-Governor's support arising, as usual, to complicate matters. Penn had given Gookin reason to expect £400 (sterling?) a year salary from the Assembly, and had obtained his promise in writing to account for all fines, forfeitures, and other perquisites, and be satisfied with £200 stg. annually from Penn, until the Assembly made provision. Out of £200, it was impossible to save for that retirement to private life which was to be expected before very long. Gookin's previous savings had been much depleted by the time he met the Assembly. That body unanimously declared in April: "The making all due provision for the support of government and security of the people is what we hold to be our duty, which we shall always be ready to do as occasion offers as far as lies in our power;" but the claim was repeated that the 800*l.* out of the tax on estates &ct., and also the half of the three years' impost, all of which had been paid to Lieutenant-Governor Evans "for the support of government," should have been applied to public exigencies, leaving to the Assembly the supplementing of the sum, if necessary. In July, along with a decision to raise 300*l.* for public charges, it was announced: "we agreed to raise 200*l.* to augment those perquisites that are properly applicable to thy own support, which we freely grant as our benevolence." Gookin was asked to pass a number of bills proposed in Evans's time, among others that relating to the land held for religious societies, and that for the confirmation of titles, the land bought by any person from Penn in recent years being subject to Ford's fee simple outstanding at the time. Gookin received a message on Sep. 27 that the supply bill would be presented to him, when he had passed the others; the supply bill was even shown to him on that evening at the Bull Head Tavern, whither he had repaired, at the invitation of some of the Assemblymen: but he, who appears to have disclosed his engagement

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not to act without the consent of the Council, declined to inspect the bill, insisting that it be presented to him before the Council the next day. The Assemblymen were unwilling to have Logan consulted about it. Late in the morning of the 28th, having heard nothing from the House, Gookin asked the Council's advice, and, agreeably to it, sent word that, no bill but the one naturalizing the Germans being "in a sufficient readiness," he would concur in no other legislation, but refer the other bills to the next Assembly, so soon to meet, his duty to himself requiring that, unless the Assembly would grant him a requisite support, he should not concern himself in legislation. The Assembly closed its session with a long Remonstrance to the Lieutenant-Governor, entreating him to exercise his rights in legislation under the royal Charter, and to remove the "obstructions"—probably meaning Logan—to the Assembly's efforts.

At the election on October 1, this Remonstrance, which was published at the coffee house in Philadelphia, was read at the polling place in Bucks and Chester Counties. By certain paragraphs, the voters were informed, if they were not already aware of it, that the Proprietary had instructed Gookin to pass no laws without the consent of the Council, and that Logan controlled that body, having, moreover, great influence over Gookin. The failure of much legislation and the existence of various grievances were set forth, all attributed to Logan's machinations against the People's friends or his favoritism. The party of the Remonstrance won the election, practically the same members of Assembly being chosen as in the preceding year. Logan presented to the Council on October 14 a lengthy "Justification" of himself or, rather, an exposure of Lloyd's career. No complete copy has been printed, but a portion is in Vol. II of the *Penn and Logan Correspondence*. The Lieutenant-Governor, although for-

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mally approving, as he could not help doing, of Lloyd's reelection to the Speakership, suggested the consideration by the Assembly of the charges made by Logan, as, if well founded, making Lloyd unfit for the position. This suggestion, after the confirmation of Lloyd, and before the Assembly had seen the charges, was declared by that body ill timed and an indignity, its address to the Lieutenant-Governor expressing a willingness to contribute to his expenses in coming over, and speaking of Logan's persistence in trying "to sour the temper and good disposition" of the Lieutenant-Governor towards the representatives of the People. In this address, the House struck the key-note of Parliamentary government by begging "leave to observe that the duty incumbent upon us to contribute to this general support of the Lieutenancy is grounded upon a condition precedent, so that the People, according to the fundamental rules of English government, are not obliged to contribute to the support of that administration which affords them no redress when their rights are violated, their liberties infringed, and their representative body affronted and abused: hence it is that that branch of the legislative authority seldom move to give supplies 'till their grievances are redressed, and reparation made for the indignities they meet with from the other branch of the same authority."

The Lieutenant-Governor, being called to New Castle, to meet the Assembly of the Lower Counties, asked the Assembly of the Upper Counties to adjourn until October 31, which that body did. On Oct. 31, owing to the inclemency of the weather, a quorum did not appear, and the Lieutenant-Governor himself did not come to town. Those attending adjourned for a few days, and subsequently, hearing that he was unlikely soon to be back, adjourned until November 14, at which date business was resumed, although Gookin was again absent, but in due course conferences with a committee of the

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Council on the bill relating to fees were held. Logan, having written offering to substantiate with proofs his narrative of Lloyd's behavior, afterwards petitioned for a speedy prosecution of the impeachment against himself. The Assembly took the old stand as to trial of impeachments, resolving unanimously, on Nov. 16, that he should lay before it a particular answer to every charge, and that upon his failure so to do within six days, the House would take the matter as confessed; but if he brought in an answer as aforesaid, the House would prosecute as soon as the Governor should be pleased to proceed judicially upon the impeachments. Lloyd laid before a committee of the Assembly on Nov. 22 a Vindication, printed also in Vol. II of *Penn and Logan Correspondence*. On the 23rd, the Assembly resolved to arrest Logan for his reflections upon it. He had been for months arranging to embark during that Autumn for England, and such arrest, unless followed by his quick submission or apology, would have prevented: but the Council told Gookin that the Assembly could arrest no one except possibly one of its members; so when, on the 25th, the Speaker issued a warrant to the Sheriff for the arrest, that officer declined to execute it. Gookin did not rely upon merely the legal incapacity of the House to order an arrest, but declared that the members passing the resolution were not a legal Assembly, owing to the failure to meet on October 31, and could not be such until called together by him. This position caused the Assembly to remonstrate, and to adjourn from time to time, and to be laughed at; and, as the Lieutenant-Governor did not solve the question by calling a special session, the whole year was lost.

On November 28, there being a fear that some of the members would take Logan by force, the Lieutenant-Governor commanded the Sheriff to oppose any attempt to do so, and Logan in a few days sailed on a

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vessel bound for Lisbon. There, he took passage for Falmouth, but was taken into France, reaching London, however, about the end of March, 1710.

Evans left the colony about the middle of February, 1709-10, and lived a good many years, being styled on Sep. 9, 1731, as of Pentre Mawr, Co. Denbigh, esquire, and on July 19, 1743, the date of his will, as of Whistones, Co. Worcester. By deeds of Sep. 19 and 20, 1715, he bought what remained of William Penn Jr.'s manor of Steyning, but shortly afterwards reconveyed all but 2000 acres. The deed reconveying having been lost, Evans confirmed it by a deed of June 24, 1736, to William Penn, 3d, grandson of the Founder.

In 1710, the Tuscaroras sent several chiefs to make an armistice with the Christians and Indians of Penn's dominions until the next year, when the kings would come to make peace. On June 10, Col. John French and Henry Worley, on behalf of the Governor, met the chiefs at Conestoga with Civility, the war captain, and other "Seneques" (really Seneca-Susquehannocks), in presence of Opessa, the Shawnee king. French and Worley encouraged the Tuscaroras to remove to Pennsylvania, but said that a certificate of good behavior must be brought from the authorities of the province which they were leaving, and that peace must extend to all the subjects of the Crown. The "Seneques" agreed to send to the Five Nations the belts brought by the Tuscaroras.

In July, 1710, Gookin went to Conestoga, to meet the chiefs of the "Seneques" and "the chiefs of the Indians of most part of the Continent, and also some gentlemen of Maryland." The full proceedings of the meeting are not set forth in the minutes of the Governor's Council, but there is a memorandum among the Historical Society's MSS. About seventy Indians were present, including four kings of the Five Nations, and Ojunqua (Andaggy-Junkquagh), Opessa, Owahala, and

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Peter, the last named being called Canawense (Conoy or Ganawese) King. Connessoa, the Onondaga King, made a long speech, wherein determination was expressed to protect and maintain the Ganawese in their settlement above the Falls of the Susquehanna, a fit place for the meeting of the chiefs of the people of these parts; a general peace was to be settled; the Nanticokes were to be ready to give the assistance freely offered against Canada; hostilities were to cease against the Tuscaroras, a peace with whom was in negotiation; the Indians were not to kill the creatures belonging to the Christians; the Pennsylvania Indians were to go to the Governor of New York, if he asked their assistance, otherwise to stay at home. Connessoa having also said that the land belonged to the Five Nations, and therefore the Indians might settle wherever corn could be raised, Col. John French, who was prepared for this, pointed out that William Penn owned the land by virtue of a deed from Dongan, who had purchased it from the Five Nations, and also by virtue of an agreement with the Susquehanna Indians, the present possessors. Connessoa appeared satisfied. He also expressed a willingness to have matters accommodated with Maryland, explaining, that, as no one from that government had come to Albany, the place for conference, some of the Five Nations, going to war, had entered Maryland, where the inhabitants had undertaken to seize the arms of the warriors, and to kill them; but the warriors, being more nimble, had prevented the inhabitants, and killed two of them.

On July 31, 1710, Penn presented a new petition to the Queen expressing his willingness to surrender the powers of government, if he could receive a reasonable consideration, as might appear to be due for his merits in settling the colony, being such a sum as should reimburse a reasonable part of his expenses; and asking that the people who, for conscience sake, could not

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comply with certain things, be indulged, and, as he expected his posterity to fix their abode in the Province, that a particular mark of respect be granted to distinguish them, as, for instance, the Proprietary for the time being always to have the first place in the Council. This petition was referred to the Lords for Trade for examination, and to report what would be a reasonable consideration for the surrender. Penn wrote, Dec. 7, that he expected £20,000, but would allow seven years for payment. The Lords did not adopt this valuation, but, in reporting the matter on Feb. 13, left the consideration for the Queen to determine.

A long letter, dated 4mo. 29, 1710, from him to the People of Pennsylvania, vindicating his course, showing that the "oppressions" were not very oppressive, arguing for the desirableness of having the judiciary appointed by him, denying the right of the Assembly to meet at all times in the year without the Governor's consent, and speaking well of Logan, is printed in Proud's *History*, and spoken of therein as an address to the Assembly. The letter did not arrive until after the election of that year: but the Proprietary's friends carried the election by good majorities, turning out all the Assemblymen chosen in 1709. Richard Hill was made Speaker. A number of laws were enacted, one being for the establishment of courts, under which law judicial proceedings were carried on for three years. Another act, which, moreover, was longer in force, required every person, before receiving a license from the Lieutenant-Governor to keep a public house, to be recommended by the Justices in the court for that county, or by the court of record of the City, if the public house were to be in the City. The act fixed the fees of the Governor and secretary, and provided for suppression and fines. A tax of 2*d.* per *l.* on estates and 8*s.* on any freeman not worth 50*l.*, or man servant receiving wages, was imposed by another

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act. The 300*l.* first collected were to be paid to Gookin "towards his charge in supporting the administration of this government;" the next money, for the officers of that particular Assembly, and for the debts for Indian treaties and presents; the next 200*l.* to Gookin, towards his expense in coming to Pennsylvania; and the balance, for such former debts as that Assembly directed. An act, which, by its discriminations, seemed designed for other purposes than raising a revenue, laid an impost for three years on every negro imported for sale, and on certain liquors, and on the tonnage of vessels not built or owned in Pennsylvania or the Lower Counties or West Jersey, the proceeds to go to payment of public debts, as should be directed by the Assembly. Just before the three years expired, this act was disallowed by the Crown, after the Solicitor-General had raised the question how far it was proper for Pennsylvania to lay a duty on such importations, and how far it might affect the interest of the inhabitants of Great Britain.

The Province having been two years without any law authorizing affirmations instead of oaths, the Quakers, in control of both Assembly and Council, had a law passed on Feb. 28, 1710-11, which did not reestablish the form in the disallowed act of Jany. 12, 1705-6, referring to "Almighty God the witness of the truth," but prescribed, as substantially in the old local law, that a person called to testify who could not conscientiously take an oath, should answer "yea" or "yes" to: "Dost thou protest solemnly and declare that the evidence thou shalt give be the truth, the whole truth, and nothing but the truth?" A similar affirmation also should, with the declaration and profession in the Act of Parliament of 1 W. & M., qualify for holding any office. When, after this was enacted, the Lieutenant-Governor had appointed Justices for Philadelphia County, and had included among them seven Church-

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men, five of the seven were unwilling to serve, but one at least changed his mind. The Vestry of Christ Church raised money by subscription for fighting in England against confirmation of the law: while, with the approval of the Quarterly Meeting, money was raised among the Friends for fighting for confirmation. The Minister and Vestry of St. Mary's, Burlington, New Jersey, called the attention of the Queen to the law, petitioning against allowing in an adjoining province such a departure from the affirmation allowed to Quakers in England. There was an order by the Queen in Council on Dec. 19, 1711, declaring the law void; but it had not been previously presented by Penn under the Charter, and was included in the laws presented by him on July 22, 1713; so it was formally disallowed, among others, on Feb. 20, 1713-14.

In June, 1711, Gookin went with several Councillors to Conestoga, and there met Senecas, and Opessa, and other Shawnees, and spoke of Penn's intention to send settlers to the branches of the Potomac, and said that Penn exacted friendship for the Palatines settled near Pequea. The Indians declared the Palatines safe, but disclaimed any responsibility for damage that might ensue to settlers on the branches of the Potomac, as that region lay between the Shawnees and the Tuscaroras, with whom they were still at war. In response to an earnest desire that the death of Letore be adjusted, Gookin said that he would forbear further inquiry, but if any such thing happened again, he would know how to do justice as well as he was showing mercy. Opessa, who was then present, soon afterwards went away from the settlement, because, it is said, he felt mortified and humiliated at his failure to restrain the young men of his tribe from the murder.

The expedition projected by Vetch for attacking the French possessions failed to start in 1709, the English government finding other uses for its naval force, and

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so not sending the war vessels promised. In the next year, Port Royal (now Annapolis, Nova Scotia) was captured by forces of which Vetch was Adjutant-General, but the Quaker colony seems not to have been asked to participate. On Feb. 10, 1710-11, the Queen, endorsing an expedition against Canada, issued an order to Gookin to meet Col. Francis Nicholson and the Governor of New York for instructions as to a new scheme of invasion, of which Nicholson was to have command, and Vetch to be Adjutant-General. Gookin, returning from such a meeting, summoned the Assembly, and, after a successful fight to have the appropriation paid to him, secured in August a grant of 2000*l.* for "the Queen's use." It may strike the reader as amusing that the way the Quaker freemen helped the Queen was first to pay themselves for their servants running away to New Jersey, and enlisting, and not returning uninjured before December following. This, however, was just; for the employer, besides paying a tax on property, was giving up *gratis* the service of these apprentices and bought laborers from their enlistment (between July 1 and Oct. 20) until December 1st. After the employers should be paid for further loss as aforesaid, the balance of the 2000*l.* was to be paid to the Lieutenant-Governor for the time being, and by him paid to the persons empowered by the Queen to receive the same, or to receive the money in her offices of receipt in any of the northern plantations. The amount was to be raised by a tax of 5½*d.* per *l.* on estates and 20*s.* a head on every male servant receiving wages and every freeman not worth 50*l.* Any surplus over the 2000*l.* could be disposed of by this Assembly by warrant of the Speaker on the Treasurer, and whatever should not be so disposed of, was to be appropriated by the Governor and Assembly for the time being until exhausted.

Among the inhabitants of Penn's dominion who

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joined in the expedition were twenty-six Indians, who, under treaty to support the Five Nations in war when needed, responded to a call to do so from Governor Hunter of New York, but, in hopes of being accompanied by Col. John French, came to Philadelphia, and, without French, went thence by way of Burlington, where troops were in rendezvous. The campaign, however, was unsuccessful.

Peace was made, probably in the Summer of 1711, between the Shawnees and the Tuscaroras. The latter, annoyed by the settlements made by the Swiss in North Carolina, massacred a great number of them, and perhaps of others, in different parts of that province simultaneously in September, 1711. The people of both Carolinas having determined to punish the Tuscaroras, the latter asked aid from the Five Nations, who admitted them to their confederacy, and sent a large war party. A force, mostly of South Carolinians under John Barnwell, utterly defeated the Tuscaroras in January, 1711-12, and a large majority of the tribe, under escort of the war party, sought safety in Pennsylvania.

The voting of 2000*l.* for the expedition against Canada caused much difference of opinion among the Quakers, and the pamphlet war which was started on other issues in 1710, between David Lloyd and the Councillors, was renewed over this. The Councillors, in fear of an imperilling of Penn's interests at Court, had promoted the gift, such as were Quakers saying that they were bound to give the Queen money, and it was not their business what she did with it. The opposition party regained some seats in the ensuing election. The Proprietary's friends thoroughly controlled Chester County, but had little effect upon Bucks. Their ticket was so much scratched in Philadelphia County that Lloyd, Willcox, and John Roberts, malster, became members of the delegation, the others being Edward

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Farmer, Benjamin Duffield, Isaac Norris, Owen Roberts, and Robert Owen of Gwynedd. Hill and Preston were chosen from the City. Hill again became Speaker. On June 7, 1712, a number of laws were passed. One, which was allowed by the Queen, authorized the Mayor, Recorder, and Aldermen of Philadelphia, with any four of the six assessors (six being chosen annually by the qualified voters), to fix annually the sum necessary for the debts and charges of the City, and for building, repairing, &ct. a workhouse, wharves, &ct., apparently including streets. The assessors were to levy, to a certain limit, taxes on persons and estates.

A new law was made for the appointment of a Register-General for the probate of wills, who was to appoint a deputy for each county except Philadelphia; and, under this law, offices were soon afterwards opened in all the counties.

One act of this Assembly may be thought to mark some advance of ethical ideas, but was more a precaution for safety, in view of the negro insurrections in other colonies, particularly that in New York not long before, and in view of suspicion and dissatisfaction aroused in the neighbouring Indians by seeing any Indians held in bondage. Upon a petition to the Assembly for the discouragement of the importation of negroes, a prohibitory duty of 20*l.* was imposed upon every negro or Indian imported by land or water except negroes brought before Aug. 1, 1712, directly from the West Indies. This was repealed by the Queen in Council in less than two years, on recommendation of the Commissioners for Trade, the Solicitor-General having left to them the question of a colony's interference with British interests as to trading in negroes, but having called attention to the power given by the act to officers to break open houses on suspicion of negroes being concealed; a power rarely allowed by English law in connection with minor offences. An act of May

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28, 1715, was passed with a similar object, but for less stringent measures; a duty of 5*l.* was imposed on every negro imported between June 1, 1715, and June 1, 1718, unless he were a sailor remaining in the service of the vessel, or he were brought or sent on the immediate business of his owner, and not for sale. The power was given to the collector to enter any vessel or any house on suspicion of a negro being concealed. This act was repealed by the Crown on June 21, 1719, the Commissioners for Trade expressing objection to such power. These acts and those that supplied them had considerable effect upon the history of the United States, for they certainly kept down the number of slaves immediately north of Delaware and Maryland, and prevented the growth of an interest opposed to abolition.

The regulation of trade with the diminution of the number of traders, and the absorption by the English of the products of hunting from Hudson's Bay to the Carolinas, limited the opportunities of the Indians for making bargains. Chiefs at Conestoga in July, 1712, complained not only of injury from traders' hogs and horses eating the corn, but that since the only traders were those licensed, fewer or less useful articles were obtained in exchange for what the Indians gave. James Logan, while promising reparation for injuries, tried to explain to these "untutored" about demand and supply, telling them that in England the price of skins and furs was low, and, by reason of the war, the price of English goods was high, and that the traders must therefore give but a small quantity, to make a living out of the business. In the Fall, on returning from carrying tribute to the Five Nations, and also belts and presents to them from the Provincial government, the delegation of the Delawares brought back skins with a message that each of those nations desired to trade with Pennsylvania, and hoped for a better price

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for skins and furs than was given at Albany. The Lieutenant-Governor had to explain, that, while he hoped that the New York Indians would trade with Pennsylvania, and would always be treated justly, the prices rose and fell according to the market in England.

The perils of capital punishment, confiscation, bankruptcy, &ct. which Penn had faced repeatedly, and the constant perplexity, and the numerous disappointments which continued to pursue him, were enough to drive him crazy. At sixty-seven years of age, he, to be sure, had long escaped the penalty for political offences, and had, since nearly three years, been freed from the clutches of the Fords, and was rid of the embarrassment of having such a Deputy as Evans. Yet the political importance of Penn and his family was about to be destroyed by his surrender on whatever terms the Queen, more or less advised by her friends and ministers, would decide; and the object of his life, a Quaker state, was to fail. With the powers to sell land reserved to him for two years in the mortgage, he had not succeeded in materially reducing the debt of £6600, which, with other debts, was drawing interest while he was awaiting sales by the mortgagees, and payment by the royal treasury. There was still a strong anti-Proprietary party in the dual colony. He had become accustomed to the wounding of his pride by there being such a feeling in those whom he looked upon as his children or wards: but the radical purposes of the party involved, while he retained the rank of Governor, the lessening of his prerogatives and opportunities to confer offices, and, at all times, the regulation of his dealings in land; and the latter purpose would be carried out after he lost the government. It was all the more bitter to Penn that he never saw the other side of a question affecting him: in his mind, he was the victim over and over again of ingratitude. We find, however,

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no complaint by him against the mortgagees, and yet their claim was his great present trouble. He having assigned to them the debts due to him from Pennsylvanians and his quit rents, the mortgagees appointed Logan and Norris to collect the same, and, by letter of attorney of Nov. 11, 1711, authorized Shippen, Carpenter, Hill, Norris and Logan, or any three of them, to sell and convey land. A speedy execution of this power would be sacrificing large tracts or the best locations, and would intensify the problem which loomed before this man, who had spent money freely, of endowing his children with sufficient estates. The debt might be cleared off, and the land kept for development, by the Crown paying a sum for the rights of government. His heart, however, was not in that solution of his difficulties: besides the personal disappointment involved, it would be a betrayal, unless he could insure, as would be difficult, immunities for the Quaker inhabitants. If he could withdraw from the bargain, if his friends residing in Pennsylvania, as he was now suggesting, would take over the mortgage, and so allow the continuance of his government, the political prospects of his family and his colony were not bright. The uncompromising attitude of his strict co-religionists, at least those generally in the Assembly, was fast making a Quaker commonwealth an impossibility in the eyes of the world. As to his own influence at Court, there would happen some day—quite near, as it turned out—the death of Queen Anne, which would mean the accession of a dynasty which had no feeling of personal friendship for him. Particularly serious for the carrying on of the government would be his own death: his eldest son, the natural successor in the Governorship, and, in fact, the only son who was grown up, had excited the animadversion of the Quakers, had been a source of grief to him, and at this time could be pronounced a failure. More to be thought of than the financial or political

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future, more harasssing to Penn than the debt to the mortgagees, was the present support of those dependent upon him. He had been overworked, and his illness at different times is reported. Logan, during his stay in England, noticed that age and the great strain had affected Penn, that there was a diminution of "the usual strength and brightness of his great genius." Logan wrote this to the mortgagees on 10, 19, 1711, as he was off Spitthead, waiting to sail back to America, and urged that Penn be induced to settle the fate of Pennsylvania in his lifetime, and, too, while his friend Harley was in power, securing for himself a good sum of money, and for the Quakers of Pennsylvania certain rights. These rights were to be liberty of conscience in the matter of worship, an exemption from oaths, and from the maintenance of priests, and from bearing arms, and, moreover, not so much for the value of the privilege, as because they were the most substantial part of the population, the right to serve on juries, and to hold legislative and judicial office.

William Penn was probably hurried by a demand made upon him by the Crown for the moiety reserved in the deed of Aug. 24, 1682, of the rents of the lands below the twelve miles circle around New Castle (see page 35). In a report somewhat later of William Blathwayt to the Lord High Treasurer, this moiety is said to have been computed at £6200. Penn treating for a surrender, further prosecution was laid aside.

The Attorney-General drafted an instrument of surrender and an instrument whereby the Queen accepted the surrender, and Penn supplicated that she declare in express terms that she took the people of his religious persuasion, as well as the other inhabitants, under her protection. These drafts were sent on Feb. 25, 1711-12, to the Lord Treasurer, Robert Harley, who had been created Earl of Oxford and Earl Mortimer.

Penn in London, being taken ill, made a will on April

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6, 1712, devising the powers of government to the aforesaid nobleman and another nobleman, who was Lord Steward of the Household, in trust to sell to the Queen or any one else. Of the provisions of the will, this alone need be mentioned here. Penn, speaking of his illness as a fever, confirmed this will on May 27, after he got back to his home at Ruscombe, Berkshire. On July 17, the Lord Treasurer, declining to pay £20,000, agreed to move the Queen to accept the surrender of the government, and to allow Penn £12,000, to be paid in four years from the date of the deed of surrender, and the Queen's share of two ships seized at New Castle to be accepted in part payment. Penn acquiesced in the terms, and the Queen agreed. On a warrant signed Sep. 6, 1712, £1000 of the consideration was paid from the Treasury to Penn.

Before the necessary instrument of surrender could be ready, Penn was disabled by an apoplectic attack, and when, after recovery, he was arranging to have the matter carried through, he, in January, 1712-13, had the stroke that rendered him permanently incompetent, although he lived for five and a half years more. During part of that time, he attended Friends' meetings, and even more than once attempted to speak in them, but was mentally incapable of sustained effort. His signature was on special occasions secured to papers connected with the government of Pennsylvania, but the direction of his business was in the hands of his wife and the mortgagees.

On April 21, 1714, the Queen ordered the perfecting of the agreement for the transfer of the government, and that the Lord Treasurer take steps to have this accomplished by an act of Parliament: but there was not sufficient time before her dismissal of the Earl of Oxford from his office, followed in a few days by her death.

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CHAPTER XVII.

The Germans.

Language of the residents of Pennsylvania before 1709—Want of religious bond in national elements of population—Lutheranism in the German Empire—Pietism—The Reformed denomination—The first German settlers at Germantown become Quakers—Protest against negro slavery—Pastorius—The Wissahickon community—Falkner's Swamp and vicinity—Rev. Gerhard Henkel—Reformed Dutch from New York join the Presbyterians — Settlers at Oley — Antipædobaptists and Anabaptists—The Mennonites—First paper mill—First organized Mennonite congregation—Houses of worship at Germantown and Skippack—The Swiss the first to make a foreign district—Swiss Mennonites from the Palatinate are the first settlers in Lancaster County—Additions to their number—Rev. Samuel Guilden—The Amish—The exodus of Palatinates to England—Various Germans and Swiss come to Pennsylvania—Baumanites, or "New Born,"—The immigration becomes large—The Dunkards—Beissel, the German Seventh Day Baptists, and the Ephrata Community—The "Monastery" on the Wissahickon—Palatinates in New York invited to Pennsylvania by Keith—They settle on the Tulpehocken—Not Mennonites—The Dutch Reformed become independent of the Presbyterians—Increase in Palatinate immigration—A German Reformed congregation—Further history of the Reformed—The German Lutherans—The "Pennsylvania Dutch" language—Jews and small sects—Dr. de Benneville.

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It was in the early years of Gookin's administration that there began that Teutonic immigration to the frontiers of Pennsylvania which threatened at one time to make Penn's colony alien from his countrymen, and which has made the nationality of the population of large regions distinct. At the date of Evans's removal from the Lieutenant-Governorship, the white inhabitants of what was properly called the "Province" were of English blood, or practically had become Englishmen, or were in the process of being Anglicized.

The keeping separate of the nations which were introduced into Pennsylvania, and there put under a common government, depended upon language and religion and the number of intermarriages. Where the circle of persons of common race and religion was not too small, the young members, and older ones who had lost their life partners, were likely to mate within it, and seldom did a marriage allying the circles happen until a third generation had grown up. In the matter of language, on the contrary, there was by 1709 unity among the children of those who had come to the shores of the Delaware. As almost always the minority must learn to talk to the majority of an intermingled population, so, until the Germans came into almost exclusive possession of a large portion of the Province, and then except in that portion, it was not practicable for men dwelling in the civilized part of Pennsylvania to refuse to speak English. To be sure, with the earlier Germans, who settled in the midst of people from the British Isles, while the active and rising generations were perforce learning English, the mother tongue long continued to be the language of the fireside, the pulpit, and the bookshelf, except that on the bookshelf Latin and Netherlandish might be found. From before the year 1700, devotional and controversial books in German were printed in Pennsylvania.

Races are very frequently kept distinct by peculiar-

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ity in religion. When, however, certain opinions and practices are not spread coextensively with the whole race, they tend to separate those connected by blood and language, and to tie them respectively to strangers adopting such opinions and practices. The drawing together of the non-Quaker English and the Swedes has been spoken of. The emigrants to Pennsylvania other than Swedish did not come from those parts of Europe where the Christians were all of one way of worshipping. Before the Nineteenth Century, nobody settled in Pennsylvania or Delaware from the countries of the Greek Church; and before the American Revolution, nobody but Jews—or a converted Jew, Isaac Miranda,—came from Italy, Spain, or Portugal, and scarcely a Roman Catholic from France or Austria. Of the two Lutheran nations outside of Germany, Denmark with Norway furnished no colonists during English rule, and Sweden sent scarcely anyone to join her sons and grandsons, from the final capture of her fort on the Delaware until the advent, in our own day, of all European races to our shores. The few French Protestants mentioned in the chapter on the People had lived in England, and probably felt drawn to any Protestants who baptized infants. Peter Bezellon, although once called a Roman Catholic, married into a British family, and is buried in the Protestant Episcopal graveyard of St. John's, Pequea. In the days of the Penns, the emigrants to Pennsylvania and Delaware not from the British Isles, or from English colonies, were of the peoples much divided by religion, even in small districts, viz: the Germans, the Swiss, and the Netherlanders.

When the different states of the Roman Empire, as Germany still called herself, were authorized to establish their own religion respectively, the Evangelical, or, as it was called, Lutheran, expressed in the Augsburg Confession, became the form of Christianity in Saxony

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and other regions and some cities, ecclesiastical affairs being placed in the charge of a local Consistory, nominated by the civil ruler. Notwithstanding the advance of many Protestants to greater changes than Luther had made, and the reaction promoted in favor of Roman Catholicism, the majority of the inhabitants of Saxony and certain of the other places long continued to designate themselves as of the *Confessio Augustana* in its original or unaltered (sometimes spoken of as "unalterable") form. These gave their support to a theology further elaborated and crystallized by the quite general adoption of the Articles of Smalkald, the Apology for the Confession, Luther's Shorter and Longer Catechisms, and the Form of Concord as "symbolical books," *i.e.* those expressing the creed. The toleration coming after the religious wars, while arranging for the Lutherans, Roman Catholics, and Calvinists to dwell side by side, did not take away churches, colleges, or plurality in numbers from the religion of the State, or of the local ruler. On the other hand, Lutheran faith and worship spread in some places where it did not have the favor of the prince, or of the majority.

Under the leadership of the Rev. Philip Jacob Spener, who became Pastor at Frankfurt on the Main in 1666, and started "colleges of piety," or Bible classes, in that city, and who became Court Preacher at Dresden in 1686, there was a movement among the Lutherans in Saxony and elsewhere to develop more religious feeling in the heart than was appealed to by the perfunctory or doctrinal preaching into which the ministers of the State Church had lapsed. The name "Pietists" was given to those who participated in this movement. They very closely resembled, if they did not largely inspire, the Methodists, who arose later in the Church of England. We should distinguish the Pietists, even those who went further than Spener,

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from the various kinds of religious persons who could not be classed as Lutherans, yet with whom the Pietists had so much in common that the name is often extended to such. Sudden conversion, which the Pietists looked for, was often manifested physically in the way which, according to some, caused the early Children of the Light to be called Quakers or Tremblers, and which was similar to the demonstrations of various religious enthusiasts. The initial criticism of dignitaries, the private meetings, the lessening of regard for accepted theology, and the encouragement of the laity to teach themselves, caused something like an alignement with the unauthorized sects, which was made more apparent by the withdrawal from worldly pleasures. The aforesaid features and the raising of excitement led to opposition by the authorities in some places. Rev. August Herman Franke, a leader at Erfurth, was expelled from that city. However, Frederick, Elector of Brandenburg, afterwards the first King of Prussia, gave Spener a pastorate in Berlin, and founded, with the aid of the Pietists, the University of Halle. There, Franke, after becoming one of the professors, founded an orphanage, and, later, a divinity school, in connection with it, for training missionaries for foreign lands. Although the Lutheran body was split into two parties, the Pietists strictly so called never left it, but, in fact, for some time changed its attitude.

During the period which this history covers, the National Church, *i.e.* the predominant religious organization, in the Protestant cantons of Switzerland, in a large part of Germany, and in Holland looked back to Zwingli as prophet or reformer, had rather bitter memories of Luther, followed the theological and ecclesiastical system of Calvin, expressed itself in the Heidelberg Catechism and Confession, and named itself Reformed. Among the articles of religion established by

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national authority, the Canons of the Synod convened at Dort, or Dordrecht, by the Estates General in 1618, bound the Dutch of New York and Pennsylvania, and all who took their theology from them.

There were too few adherents of the ecclesiastical establishment of any part of Germany among the emigrants to Penn's dominions before his death to set up a branch; and there were not enough Lutherans or Calvinists from the entire region south of the Baltic, North Sea, and English Channel to make up a Lutheran or Reformed body apart from their fellow believers from north of those waters. The Germans who came, were of the unauthorized or scarcely tolerated sects which will be mentioned further on; and it was some time before the members of any one sect became sufficiently numerous to hold themselves aloof from other people: while the differences between the sects neutralized any national feeling between those separated by religion who were natives of the same region. During a longer or shorter period, conformist and dissenter respectively sought in the new country the worship and teaching most resembling what they had left at home, if they were not content, temporarily at least, to attend what was nearest geographically, which, in the rural parts, was usually the Quaker Meeting. When the Swedish Church was no longer the only refuge for those avoiding the Quakers and the Anabaptists, it continued to be the proper fold for all Lutherans, its clergy being familiar with the various languages: on the other hand, all Calvinistic, non-liturgical pædobaptists would be suited with the ministrations of English speaking divines calling themselves Presbyterians, whose religious services differed from those of the German and Dutch Reformed practically in language alone.

The first Germans, as far as we know, who settled in Pennsylvania after Penn acquired title, were Fran-

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cis Daniel Pastorius from Frankfurt, a native of Somerhausen, and his four servants, who arrived in Philadelphia on August 20, 1683. He came as the agent of a number of German purchasers from Penn called the Frankfurt Land Company, who at first bought 14,000 acres, and afterwards 9000 more. Thirteen men, all apparently from Crefeld, with their families, making thirty-three souls, arrived a few weeks after Pastorius, and, with him and his household, were the first settlers of Germantown, laid out to include 2675 acres of the Frankfurt Company's purchase and 2675 acres of the purchase by certain persons living at Crefeld. Most of these actual settlers at Germantown had been Mennonites, possibly some had declared themselves Quakers, but by 1692 nearly all were embraced in the Society of Friends. It was from the Meeting in Germantown on 2mo. 18, 1688, and by writing signed by Gerret Hendericks, Derick op de Graeff, Pastorius, and Abraham op den Graef, that there was issued the first expostulation by a Quaker assemblage against negro slavery. The communication was passed on, through the Monthly Meeting held at Dublin, in Philadelphia County, and the Quarterly Meeting held in the town of Philadelphia, to the Yearly Meeting at Burlington, the intermediate bodies avoiding the question. The Yearly Meeting said that it was not proper to give a positive judgment. It is noticeable that Pastorius, member of Quaker Meeting, and furthermore opposed to George Keith, speaks in a letter of June 1, 1693, of the name "given in holy baptism" to an infant son of Pastorius (Sachse's *German Sectarians*, p. 197): evidently Pastorius was not a thorough neglecter of the sacraments, nor even a Mennonite as to infant baptism.

It was not always either a desire to better one's self in this world, or expulsion from home for religious beliefs, that took persons to the Sylvania of Penn. There were a number of pious men and women, able

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to live in some European town, who came from a yearning for a wilderness, or from missionary zeal, or from a combination of both feelings. In Julius F. Sachse's works *The German Pietists of Provincial Pennsylvania* and *The German Sectarians of Pennsylvania*, much information can be found as to the religious history of the Province, besides details as to certain colonists from the central parts of Europe who came on the heels of the settlers of Germantown, but independently of them. The first of these books is mainly devoted to the first Lutherans known to have come in a body to Pennsylvania after the cessation of the Swedish colonization, viz: certain Pietists who had been captivated by mysticism, and were looking for a near Millenium, and who, as a community, or "chapter of perfection," as they called it, came in 1694 to the hillside northwest of the Wissahickon near the Schuylkill (now in the 21st Ward of Philadelphia), and there lived in huts as anchorites. All were Germans except Kelpius, Magister of the chapter, who was a Transylvanian by birth, but a graduate of Altdorf. Benjamin Furly of Rotterdam and other leading Quakers aided the emigration. Kelpius remained friendly to the Lloydians, when he heard of the Keithian controversy, but Köster, the Vice Magister, took an active part with the Keithians, and started, and for a while kept together, in Plymouth Township, at a place which he called Irenia, a rival company called the True Church of Philadelphia, or Brotherly Love. Although unordained, he preached and even administered the communion to English-speaking people, as well as Germans. Edwards's *Materials towards a History of the Baptists* is wrong in saying that Köster was immersed by Rutter. Sachse and also Schmauk, in his *History* hereinafter mentioned, quote an account of Köster in the *Geschichte Jerztlebender Gelehrten* by his acquaintance, Rev. Ernst Ludwig Rathlef. Köster returned to

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Europe, leaving Pennsylvania in December, 1699, and died in the Lutheran fold. Daniel Falckner, another member of the chapter of perfection, had been a licentiate at Erfurth before his arrival, and was probably ordained a Pastor for the American Germans, while making a visit to Europe. Returning, he assisted the Swedish ministers, and, after marrying, and so withdrawing from the community, took charge of Lutheran churches in New Jersey and New York. His brother Justus Falckner's ordination by the Swedish Lutheran clergymen on the Delaware is mentioned in the chapter on the People. Deaths, removals, and marriages dissolved the Pietistic community aforesaid.

The Frankfurt Company, whose estates Daniel Falckner managed, received 22,377 acres at Manatawny covering part of the present township of Pottsgrove, all of New Hanover, and part of other townships of Montgomery County. These thirty-five square miles, instead of, as Eshleman suggests, the Nottingham district, were the "New German Tract," which, according to Logan's letter of 1702, were asserted by the Indians not to have been purchased from them. The dispute seems to have been adjusted shortly afterwards, or to have lain dormant until settled by the release made by the Delawares in 1718. Most of Frederick Township was long known as Falkner's Swamp.

What German Lutherans Falckner or his successor in the management, John Henry Sprogell, induced to settle in the Manatawny region, seem to have united in worship with the neighbouring Swedes, and the Lutheran Congregation of Falkner's Swamp, for which land was given in 1719, and for which the second house of worship was erected about 1721, was alternately served by German and Swedish preachers. According to Rev. Theodore Emanuel Schmauk's *History of the Lutheran Church in Pennsylvania 1638 to 1820*, Rev. Gerhard Henkel, ordained in Germany in February,

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1692, came to Pennsylvania in 1717, and settled at Falkner's Swamp, and preached there for a number of years off and on. His nuncupative will was probated in 1728, when, by mistake of his Christian name, he was spoken of as "Jacob Henkel" of the Township of New Hanover, Phila. Co., "clerk." The testator had named among his children a son Gerhard Anthony Henkel, whom the record makes "Gerrard." Rev. Samuel Hesselius of Weccacoe seems to have had charge from March, 1720, to October, 1723. The attendance before long was wholly German.

The other great division of Continental Protestantism, the Reformed, which had alternated in ascendancy on the Delaware with Swedish Lutheranism, and had given way to the latter after the final surrender to the English, was reintroduced by persons coming from New York after the grant to Penn, and rather tended to draw away German Reformed and some of the other Germans from much association with those who held adverse doctrine. Without seeking the Lower Counties, to be alongside of the preceding Dutch settlers or their children, colonists of Dutch race came to Bucks County, and bought land from Penn's grantees. Persons of such names as Van Dyck, Van Horn, Van der Grift, and Van Sandt settled near the Neshaminy, Dirck Croesen from Staten Island owning a tract in Southampton Township, Bucks Co., as early as 1684. (See *Publications of Genealog. Soc. of Penn.*, Vol. V, p. 24.) For marriage ceremony, and probably for communion, some of these disciples of the Synod of Dort resorted to Rev. Jedidiah Andrews of Philadelphia, until Rev. Paulus Van Vlecq, a native of Holland, who had been schoolmaster at Kinderhook, New York, came to minister to this outlying district. The ministers at New York in 1709, for want of directions from Amsterdam to make any ordinations, had refused to ordain him; so it appears that it was independently

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of the Reformed Dutch authorities that he received such ordination as was recognized by the Presbyterians. On May 20, 1710, he was "established pastor of the Christian church at Shamminie (Neshaminy) Bensalem and Jermantown (Germantown)," making elders and deacons for "Sammeny" and Bensalem the next day. On the 28th and 29th of the same month, he baptized at Wytmess (Whitemarsh) and Schepack (Skippack) sixteen children of families, at one time Mennonite, which had joined the movement to Germantown, and, if Dutch, were not New York Dutch. On June 4, a church was established at Wytmess, with elders and deacons. In September, Van Vlecq was admitted, after some debate, to the Presbytery of Philadelphia. Leonard Van De Grift, one of his elders at Sammeny, was admitted as an elder. During the next year, Van Vlecq was married by Rev. Jedidiah Andrews to Jannetye Van Dyck. On some evidence that, at the time of such marriage, a former wife was living, and on Van Vlecq's fame for drunkenness, untruthfulness, &ct., the Presbytery, in 1712, wrote to "the Dutch people" not to countenance him, but to expect supplies from the Presbytery. The records of the congregation cease for a number of years. He, about 1715, left the country.

Ultimately, Reformed Dutch Churches were gathered out of the people whose religious services this member of the Presbytery had led, although the majority in some localities were satisfied to remain Presbyterians.

The Walloons and many of the Swiss were of French race. The Protestants leaving France because of the revocation of the edict of Nantes were, as a rule, Calvinists, and found the established religion of Holland, of certain cantons of Switzerland, and of certain parts of Germany to their liking. It was therefore to be expected that any Protestant of French name coming to Pennsylvania, unless his family had been for some

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time settled in England, would be of the Reformed denomination: and particularly so, if, like the Le Fevers and De Turcks, he had made some stay in New York. The first settlers of Oley (now in Berks County), however, did not start any church of their own. John Le Dee and others, having leave given to them in the Fall of 1709 to look out for lands beyond Perquicomink (Perkiomen Creek), chose Oley, and settled there without a survey. By further leave, said John Le Dee and Isaac De Turck and John Frederickfields, all Germans, procured a surveyor to lay out to Le Dee 300 acres, to De Turck 300, and to Frederickfields 500. A formal warrant on which such survey could be returned, was signed on 4mo. 11, 1712. John Bartolet appears among other persons of French name owning land at Oley later. All Frenchmen in the part of Pennsylvania controlled by Germans became included in the designation "Pennsylvania Dutch."

The most numerous of those opponents of Rome who have never impressed their idea upon a National Church have been the Antipædobaptists, or opposers of infant baptism, deeming baptism in a state of actual or ripe faith required. They have arisen independently at various places and times. Their refusal to initiate children as members of Christ's Church, and their rebaptizing those so initiated, horrified Lutheran and Calvinistic, as well as Roman and Greek, theologians; and therefore there has been hardly a region in Christendom except Pennsylvania and Rhode Island where these contraveners of the general ecclesiastical law have not been punished at some time or other as criminals. In tracing the history of the various sects of this kind, it should be borne in mind that mere agreement, even close agreement, is not sufficient, without further evidence, to give the opprobrium or the honor of relationship as founders or successors or one teacher's fellow disciples. Any two thinkers, particularly

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those who must derive their premises from one storehouse, the Bible, may reach the same conclusion without communication with each other, just as they may reach different ones after comparing notes.

It has been shown in preceding chapters that Rhode Islanders and Englishmen and Welshmen calling themselves Baptists came to Pennsylvania, and planted several congregations. These Antipædobaptists had embraced the doctrine of the necessity of immersion, and so practised rebaptizing, even upon those sprinkled when adults. Immersion has been shown to have been adopted by a branch of the followers of George Keith. It was not insisted upon by the earliest Germans who denied the validity of the baptism of infants. There will be occasion later to speak of various Germans who were immersionists.

There do not appear to have been in the days of Luther any large companies which were Baptist societies pure and simple, *i.e.* started for the purpose of administering what was deemed proper baptism. The name "Anabaptists," or rebaptizers, was applied to certain persons of that day who marked themselves off by a second baptism. These came together to reproduce the Apostolic community, chiefly for correcting the injustice to the poor, and furthermore to withdraw themselves from the ungodly, in anticipation of the imminent Millenium. The primary idea would have caused the initiation by either sprinkling or immersion of those baptized as adults, as well as of those baptized as children, but the baptism of infants was classified by these extreme dissenters from the old Church among her corrupt and vain practices. The efforts of some of these Anabaptists, beginning with the Peasants' War, to revolutionize society by force, and, moreover, the excesses of certain leaders, have cast discredit upon the name, while the mere adoption by many of those who did not baptize infants of the prin-

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ciple that goods and possessions should be in common, and that usury, tithes, and tribute should be abolished, and that magistrates would be useless in the Kingdom of Christ about to be established, was a cause other than ecclesiastical why the civil authority took measures of suppression.

The great preacher among the non-militant believers in most of these theories, and the gatherer to such company of a number who had been brought up as Waldensians, was Menno Simons, a native of Friesland, who was ordained a Roman Catholic priest after Luther started the Reformation, but who resigned, and submitted to rebaptism and reordination about 1536, and the date of whose death is given as Jany. 13, 1559. Gaining proselytes by softening down some of the doctrines, and getting rid by vigorous discipline of the dissolute, of some blasphemous pretenders to Divine favor, and of the refractory, he made the Mennonisten, Menists, or Mennonites, as the Anabaptists who did not immerse came to be called, a widespread denomination, the congregations of which were independent one of another. Their officers when they developed their polity were presbyters (some called bishops), teachers, and deacons, or presbyters (none called bishops) and deacons. The Mennonites excluded from membership persons employed in civil government, disapproved of capital punishment, would not take oaths, and refused to bear arms, and thus were deemed "undesirable" inhabitants by secular politicians, after most states had ceased to enforce strictly theological or ecclesiastical ideas. Except in the peculiarities mentioned above, and in general washing of one another's feet, and in a varying degree of simplicity in living, the Mennonites were rather in agreement with the Reformed. The representatives of Mennonite congregations of the Netherlands, including that at Crefelt, subscribed to articles of faith at Dordrecht in 1632, expressing the funda-

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mentals of Orthodox Christianity, and acknowledging the duty to pay taxes. The same acknowledgment was in the Confession furnished to the Regents and Burgomasters of Amsterdam in 1710 by the Mennonite preachers from Switzerland.

Persecution of the Mennonites ceased in the United Netherlands a few years after Menno's death, but at times during the next hundred years drove persons from Switzerland and certain parts of Germany; so that by the time our history opens there were Mennonite families at Crefeld and in its vicinity not of local origin. Then or later, persons born in Switzerland may have been there. Swiss or children of Swiss were in Alsace and the Palatinate, and these contributed to the earlier Continental emigration to Pennsylvania. Departure from other countries than Switzerland was not directly caused by active religious persecution, but, before 1688, by a desire to seek temporal advantage, and afterwards primarily by the devastation made by the wars of Louis XIV.

Hon. Samuel W. Pennypacker, in his articles *The Settlement of Germantown* and *The Dutch Patroons of Pennsylvania,* has told how the Crefeld group at Germantown received accessions from various places of the Lower Rhine region and the Low Countries, Mennonites and Quakers predominating, Willem Ruettynhuysen building in 1690 on a branch of the Wissahickon the first paper mill in America, and how Van Bebber's Township on the Skippack Creek (covering part of the present Perkiomen Township) was taken up by Mennonites and others, Matthias Van Bebber conveying in 1727 all the unsold part of his 6166 acres to Lodowick Christian Sprogell from Quedlinburg, Holland. Sprogell, we find, had been naturalized by an Act of the British Parliament. He gave on Dec. 24, 1728, a large collection of books to the library of Christ Church, Philadelphia. His widow and children conveyed in

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1731 all that remained unsold of the aforesaid land to Hendrick Pannebecker (now Pennypacker), being about 2800 acres. The aforesaid Ruettynhuysen, of whom and whose descendants, the Rittenhouse Family, Daniel K. Cassel has written a *History,* was a native of Mühlheim on the Rahr, and took oath on June 23, 1678, to become a citizen of Amsterdam, of which Cassel prints the certificate; which oath, it has been overlooked, would indicate that he was not then a Mennonite, unless it can be supposed that the clerk obligingly certified the promise as an oath.

Of all foreigners who came while William Penn was Proprietary, only the Mennonites, and not including the very earliest of them, had a religious organization separating them from the English. Daniel K. Cassel's *History of the Mennonites* mentions the arrival in Germantown in 1700 of four families, two single men, and one widow from the Hamburg-Altona Mennonite Congregation, and also mentions a letter to the heads of said families and one of the single men from the Bishop and three ministers of the aforesaid Congregation, authorizing, in response to an appeal, the installation of Rittinghuysen, or Ruettynhuysen, as Bishop for these Americans. The Mennonites, separated as they were from the Quakers by adherence to the sacraments, from Lutherans, Anglicans, and Presbyterians by rejecting infant baptism, and from the Baptists by not practising immersion, had become sufficiently numerous by the end of 1702 to have a site in Germantown secured for a church. Edwards gives the date as May 23, 1708, for the organization of the congregation at Germantown with members headed by Rittenhouse, the aforesaid Bishop, and Jacob Godshalk (formerly Gaetschalck), a preacher who came in 1702. In 1708 there was built in Germantown (on the site aforesaid) the first Mennonite house of worship, as far as we know, in the United States. Another was built at Skippack

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in 1725, on a tract of 100 acres conveyed by Matthias Van Bebber in 1717 to Henry Sellen, Claus Jansen, Henry Kolb, Martin Kolb, Jacob Kolb, Michael Ziegler, and Hermannus Kuster and the survivor in fee, in trust for a school house and burial ground for Bebber's Township.

All foreigners who dwelt in or near the city of Philadelphia became practically Englishmen. The inhabitants of New York, like the Swedes and Dutch on the Delaware, had become subjects of the King of England at the conquest. The early settlers of Germantown and vicinity and Johannes Bleikers of Bucks Co. were by name in the Act of Assembly of Sep. 29, 1709, mentioned in a preceding chapter, empowered to hold land, and to sue and defend actions, by making before Mch. 1, 1710, the declarations of faith allowed to those who could not swear, or by otherwise qualifying as the Court of Quarter Sessions should require. Special acts were subsequently passed for naturalizing certain individuals. As some of these natives of High or Low Germany moved towards the settlements of those arriving later, the process of assimilating them with the English ceased; but in two or three generations the posterity of the rest married into the English race.

Switzerland appears to have sent the earliest emigrants to those parts of the province where a colony of alien nationality could live in isolation. No longer moving as adventurous individuals, or in company with the residents of an adopted land, natives of the Cantons after 1705 were leaving them, and seeking a district in such numbers as would make a Swiss quarter or township.

Those who found their way to Pennsylvania, were, like the earlier settlers of the race, mostly Mennonites. The measures repeatedly taken until after the death of Penn, particularly by the Canton of Berne, to force the Mennonites to apostatize, were causing them to flee,

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and the ravages of war were sending them further than the former stopping-places of the persecuted. Deportation was one of the measures employed by the aforesaid Canton, involving the finding of a country to receive such a peculiar people, and we are told that the government employed agents for this purpose. Penn was looking out for such opportunities to get settlers. He entered into negotiations about 1703 to secure Mennonites or other Protestants from Switzerland, and, as an investigator, a Swiss, Francis Louis (Luys or Ludwig) Michel (called in our records Lewis Mitchell), who was some time a partner or assistant of Christopher de Graffenried, made at least two visits to Pennsylvania, and took notice of the stories or indications of ore in the unappropriated lands. The stopping of his exploration on the branches of the Potomac has been mentioned in another chapter. The settlers next to be mentioned do not seem to have been sent by him.

It is suggested in Dr. J. G. De Hoop Scheffer's article on *The Mennonite Emigration to Pennsylvania* (*Penna. Mag.*, Vol. II, p. 117) that the nine or ten families reported on April 8, 1709, as having arrived at Rotterdam from the neighbourhood of Worms and Frankenthal were the eight families spoken of in a letter from London of Aug. 6 as having gone to Pennsylvania. A couple of months before the latter date, the Yearly Meeting of the Quakers in London contributed £50 to "Mennonites of the Palatinate who had fled from the persecution of the Calvinists in Switzerland," and Penn, on 4mo. 26, speaks of the Palatines, divers Mennonites, coming over in the same vessel as his letter. So it is no violent supposition to identify the heads of these eight families with John Rudolph Bundely, Martin Kendig, Jacob Muller, Hans Herr, Martin Oberholtz, Hans Funk, Michael Oberholtz, and Wendel Bowman, called Swissers in the warrant hereafter mentioned, but referred to as Palatines in the accounts of Penn's real

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estate agents. These immigrants proceeded to the frontier, and were the first group of white men to settle within what is now Lancaster County. Subsequently they obtained a warrant, which is printed in Rev. Dr. J. I. Mombert's *Authentic History of Lancaster County,* p. 414, and bore date, 8mo. 10, 1710, for 10,000 acres, to be divided among them, on the northwesterly side of a hill about twenty miles east of Connystogoe (*sic*) near the head of Pecquin (*sic*) Creek. Bundely was the leader of the party; and a warrant, dated the day following, for him alone for 500 acres adjoining said tract, was granted to him on very easy terms, mentioned in the Penn day-book, "in recompense for services done by his being instrumental in bringing over sundry families of Switzers to this province." The large tract was surveyed on Oct. 23, and the 500 acres, about the same time, and the surveyor measured also a tract of 2000 acres which were engaged for Maria Warenbur, widow, and finally patented to her two sons, Daniel Fierre and Isaac Le Fevre. According to the Appendices to Rupp's *List,* hereafter quoted, these three had gone to New York for the settlement started under Rev. Joshua Kockerthal, a Lutheran, but the widow's certificate shows her to have been a French Calvinist. The accounts of the said real estate agents say that she also was "late of the Palatinate of the Rhine." Rupp, in his *History of Lancaster County,* mentions among the settlers at this time Hans Meylin and his son Martin, and says that the company had Hans Herr as pastor. Rupp, in his *List,* names thirty-seven foreigners in 1709 in what was afterwards Lancaster County, and twenty-three others there in 1712. Stophel, or Christopher, Franciscus took up land in or before 1712. The large district received the name of Strasburg or New Strasburg, which is no longer preserved for a township. As mentioned in another chapter, Gov. Gookin, at Conestoga in June, 1711, told the

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Indians at Conestoga that William Penn required of them friendship for the Palatines settled near Pequea, and the Indians replied that where the Palatines were, they would be safe. Hans Meylin, called Mayly in the day-book, took up 700 acres in Strasburg at the end of 1713.

Perhaps it was in the summer of 1709, when Michel was in London, that Penn made a contract with him "for lands &ct." for fifty or sixty Swiss Mennonites. Fearing that when these arrived in Holland the Estates General would not let them pass to Pennsylvania, Penn wrote to Lord Townshend on 2mo. 4, 1710, to have such action prevented or changed.

This company may have been in view when Penn ordered Gookin, as the latter told the Indians at the aforesaid interview at Conestoga, to acquaint them that Penn was about to settle some people on the branches of the Potomac. The Indians expressed fear that they would be blamed if any injury happened to such settlers, the location being in the path of the war with the Tuscaroras and other Indians. This project of a settlement beyond the Susquehanna was not carried out.

Martin Kendig (name spelt variously in the records, probably Kündig) returned to Europe, and, perhaps not confining his solicitations to Mennonites, brought back Swiss and Germans, some of the latter being of Swiss descent; and Rupp names a large number of residents under the date of 1719. The minutes of the Commissioners of Property (*Penna. Archives,* 2nd Series, Vol. 19, p. 574) say that Samuel Guildin, "late of the Canton of Bern, in Switzerland, Minister to the Switzers," agreed to take up 800 acres in Strasburg, near the rest of his countrymen; and a warrant for the same was granted on 1, 1, 1713-4. He had been minister of the three chief Reformed congregations in the city of Bern, but had been transferred to a less important position by the authorities, because of objection,

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it is said, to the doctrinal leaning of his preaching. Perhaps he was inclined to the Mennonites. He did not pay for this land, and it was patented to Kündig. Gulden (as the name is generally given) took up his residence with the hermits of the Wissahickon. In the latter part of 1717, about 6000 acres about the Conestoga and Pequea Creeks were distributed by warrants and surveys among "relations, friends, or acquaintance" "lately arrived" of "Martin Kundigg, Hans Heer, and Hans Ffunk," "the Palatines," say Minute Books H and I of the Commissioners of Property. The recipients were honestly warned, that, under certain laws of England, if in force in Pennsylvania, aliens could not transmit to their children, nor convey to others, unless an Act of Assembly should be passed conferring such capacity. The dependence upon the justice of the legislature turned out to be well founded. Apparently all the former subjects of the Emperor of Germany in Lancaster County who were Protestants, and came between 1700 and 1718, and acquired land, were naturalized by Act of 1729.

As among all those called Mennonites there had been differences as to the effect of excommunication &ct., so we are told that in 1620 the non-immersing Anabaptists of Switzerland had divided according to the strictness with which the idea of separation and demarcation from the world was followed. As a tendency to assimilate in life with persons outside had gained headway in Switzerland and the Palatinate by 1690, Jacob Ammon, or Amen, a native of Amenthal, Switzerland, some time resident in Alsace, undertook in that year to restore the former simplicity and strictness, he and Christian Blank, as elders, expelling those who did not appear, and prove conformity to the old principles (see Barthinius L. Wick's pamphlet on the *Amish Mennonites*). Those who adhered to Amen became known as the Amish. After fashion in

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Europe and European colonies had abolished beards, the men of this sect made a remarkable appearance, from their rule, still followed, of never shaving. The Amish of Pennsylvania of our own day wear a particular dress, using hooks and eyes instead of such ornaments as buttons. Amish probably were among the Swiss or Palatines arriving in Pennsylvania at the times before mentioned, if they did not comprise all of some of the groups of Mennonites: but they are first mentioned in our records in the days of Gookin's successor, Lt. Gov. Keith. Under date of May 20, 1718, there was a petition to the Proprietor and his Deputy Governor from the Amish, saying that they had been invited by William Penn, but their faith had not been respected, they did not vote, nor enter courts of justice, nor hold office, and they provided for their own poor, and so they thought it a grievance that they should be subject to military and civil jurisdiction, and, as appears to be the point of the matter, that they should pay for the maintenance of convicts. The conciliatory Lieutenant-Governor sent orders to mitigate the civil duties imposed upon the peace sects in the Conestoga Valley.

The tie of religion connected the Swiss with some of the residents of Germantown and vicinity, tending to encourage particularly those furthest from the city in holding aloof from the Quakers, and clinging to the German tongue. The Amish and the other Mennonites worshipped together, and the signers in 1727 of the Confession of Faith, published in English the following year at Philadelphia, representing five congregations, Skippack, Germantown, Conestoga, Great Swamp, and Manatant (Manatawny), seem to have come with various immigrations. We may assume to have been a Mennonite, although not of Berne, Jacob Stauber, late of Zürich, Switzerland, who received a warrant in 2nd

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mo., 1713, for 500 acres on or near the west side of the Schuylkill between French Creek and the River.

The movement of people from the valley of the Rhine in the latter years of Penn, and after his death, was not confined to Mennonites, nor to Swiss or the children of Swiss. What inhabitants, native or newly come, remained in the Palatinate after the attempt of the French in 1688 to make it a wilderness, and the second invasion by them in 1692, and the measures of the Elector Johann Wilhelm against Protestants, were again in danger from fire and sword by the War of the Spanish Succession. In 1707, Marshall Villars came with an army, and the Protestants, with those of Swabia, began to flee, although Johann Wilhelm by edict threatened death to those who attempted to emigrate from his dominions. About the beginning of 1708, a small number of Lutherans from the lower Palatinate reached London "in the utmost want," being reduced "by the ravages committed by the French," praying the Queen of England to send them to one of the American plantations. Those being sent to New York, other Palatinates, after arriving at Rotterdam, proceeded to England, where an Act of Naturalization, passed in 1708, encouraged such as were Protestants, and would take the oaths, and receive the sacrament, to settle. Committees and societies in the Netherlands aided the poorer ones to leave that stopping-place speedily. In the early months of 1709, many thousands came to London. In the summer of that year, Michel and Christopher de Graffenried were in London with several hundred Swiss refugees (see Rev. Sanford H. Cobb's *The Story of the Palatines*, p. 89): and probably Penn induced some, preferably, however, the Mennonites, to come to Pennsylvania, and evidently bargained for others to follow from Switzerland, although de Graffenried and Michel had undertaken to make a large settlement in North Carolina. By the

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end of 1709, and for a year or so longer, partly by the procurement of philanthropists, busybodies, and commercial agents, who circulated in the Rhine country cards and papers bearing Queen Anne's portrait, and setting forth a land of refuge, London was overwhelmed with these foreigners, who arrived mostly starving, to whom the Queen was allowing 9*d.* per day each for subsistence until departure, to whom private individuals were giving enormously, and who were being sheltered in tents, warehouses, and barns, and as to whose ultimate distribution various measures were being taken without keeping pace with the increase from arrivals. A reaction in English sentiment took place, the Naturalization Act was repealed in 1712, and peace came to Germany by the treaty of Utrecht in the following year.

Various German-speaking persons, some richer, some poorer, some of any kind of religion, singly or in crowds, sought the domain of Penn. Several Germans had bought land from one Frederick de Redegoldt or Rhedegelt, who described himself in at least one of his deeds as "Colonel and Essay Master General of Pennsylvania and Territories Annexed," and who claimed to have bought 10,000 acres from the Proprietary. This claim appearing as unfounded as the designation of his office, the Land Commissioners were wary of setting out land to the purchasers. One of these, Herman Groethausen, having bought 9000 of the 10,000 a., and having started on his way to the Province, met Penn in London, and accepted in exchange a lease and release of Dec. 30 and 31, 1709, for 500 a., with the understanding that they should be in the inhabited region. The Commissioners seeing no authority except for a warrant for distant land, Groethausen seated himself on Springfield manor (Springfield Township, Montgomery Co.), but the Commissioners in 1712 ordered him to remove by a certain time. He went over to England, and secured from

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Hannah Penn the right to have 500 acres in the manor.

In or before 1714, as we find a deed of that year to Matthias Bowman of Oley, planter, and not so late as Sachse states, Matthias Bauman, a native of Lambsheim in the Palatinate, who believed that in his trances he had been transported to heaven, and received a message to preach, settled at Oley, announcing his regeneration and impeccability. Those whom he could bring to such supposed spiritual condition rejected the sacraments as unnecessary. He frequently went to Philadelphia, and spoke from the court house steps. As his disciples, who were known as Baumanites, but called themselves Neugeborene, were advised not to marry, the sect died with those who had been converted by him or his successors, Kuhlwein and Jotter (John Yoder?).

It was in the days of Gookin's successor, Keith, that the German influx into Pennsylvania became so great as to cause embarrassment. By Sep. 17, 1717, there had recently arrived from London, distributed in three vessels, 363 foreigners from Germany generally spoken of as Palatines, without anything like credentials, and apparently having first landed in England, and left it without even the knowledge of the government there. They had dispersed through the province without making any application to the Lieutenant-Governor or any of the magistrates. The Lieutenant-Governor therefore on that day raised the question how far this could be allowed with safety, as enemies might so introduce themselves. So an order was made in Council that the masters of the vessels appear, and give an account of the passengers. The passengers were ordered by proclamation to give assurance by oaths before the Recorder of Philadelphia of their being well affected to the King, such as were Mennonites, however, being allowed, instead of taking an oath, to give equivalent assurances in their own way.

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The immigration in strong force was kept up for years with increasing numbers, Jonathan Dickinson in 1719 speaking of ships being expected from London bringing 6000 or 7000 Palatinates.

A sect which has lasted in Pennsylvania to the present day, and has spread through the United States, dates in the former from this same year, 1719. Then, as we learn from Sachse's *German Sectarians,* there arrived about twenty families of a Baptist congregation at Crefeld, formed in the house of Alexander Mack by refugees from Schwarzenau. Mack, who hailed from Schriesheim in the Palatinate, followed these associates to Pennsylvania. They differed from the Mennonites by insisting upon immersion, and, with other sectaries of similar practice, but independent of these ecclesiastically, were called Tunkers. From these immigrants and their early converts has grown the large denomination generally in America called Dunkards, but using as the official name "the Brethren."

Johann Conrad (or Conrad) Beissel came to Germantown in 1720 as one of a company of mystical Pietists from the Palatinate intending to join the "chapter of perfection" on the Wissahickon. Finding it broken up, he and two or three others retired to the Conestoga region. In 1724, he was immersed by the Dunkards, and became head of their small Conestoga congregation then formed. Beissel and his fellow hermits, having previously become convinced of the obligation to keep Saturday as the Sabbath and day of worship, instead of Sunday, soon brought the congregation to their view. Breaking off from the other Dunkards, whose headquarters were at Germantown, the "Beisselianer," as these original German Seventh Day Brethren were called, undertook, by the following very remarkable performance, to renounce the baptism received at the hands of those who kept Sunday, viz: the Beisselianer immersed one another backwards

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thrice; and thereupon, so that there should be a baptism, they immersed forwards thrice. Gradually this congregation adopted a dress marking a distinction from the Quakers and other plainly dressed religionists. The men wore their hair and beards of whatever length they would grow, and went barefoot when the weather permitted.

After a while, Beissel resigned as Vorsteher; and he and others carried out in huts on the Cocalico the old intention of leading a solitary life in retirement. In 1735, building at a place named by them Ephrata, they changed into communities, the women as the Order of the Spiritual Virgins, in a house called Kedar, and the men in a camp, and sometimes in cells in the house built for worship. Thus Pennsylvania had an order—not Roman Catholic or Greek, but Seventh Day Baptist—of nuns, dressed in unbleached linen or wool, hooded with gown and apron like a scapulary, and also an order of monks of the same outward religion, long-haired, bearded, barefooted or sandaled, dressed also in unbleached linen or wool, cowled, with gowns like the women's. For a time, the secular persons of this Seventh Day Baptist congregation wore gray gowns. In 1736, upon the arrest of six of the monks for refusing to pay the tax on men without property, they claiming that they were one family, to be assessed according to the worldly possessions of the community, it was decided by the government to accept 40*s.*, in the nature of a tax on the estate, as the full amount due from the community. In Sachse's *German Sectarians* will be found an account of the extravagancies, to use a mild expression, of the male members, combining with the general faith of Dunkards strange beliefs, among which Millenarianism was the least strange, and astrology was often included. Beissel, their Superintendent, was credited by them with magical powers. Those who gathered as the Zionitic Brotherhood, for whom a house

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called Zion was built, practised a long course of initiation so dangerous to brain and body that they should have been restrained in a prison or madhouse. In 1741, a house of prayer, Peniel, for the women was completed: when Sachse wrote, it was standing as the church of the German Seventh Day Baptist Congregation of Ephrata. The nuns were afterwards accommodated in a house called Saron, and were called Roses of Saron. Largely through the exertions of the Eckerling brothers from Alsatia, one of whom, Israel, was Prior, the community engaged in several industries, supporting its members, and bidding fair to amass wealth, which Beissel deprecated. Beissel for a while lost both his power and his office of Superintendent, but afterwards overthrew the Eckerlings, deposing the Prior, and bringing about the retirement of some of the Zionitic brethren to the wilds of mountainous Virginia, and the decline of the Brotherhood of Zion.

A few sympathizers copied the Ephrata monks and nuns by retiring from the village of Germantown, and, for a short time, beginning in the Summer or Fall of 1737, living in a log house, which was called the Kloster, in a secluded vale near the Wissahickon. The stone mansion built on the site after they left it, was long known as the Monastery, and figures in fiction.

A large body of Palatinates had been sent by Queen Anne to New York to engage in furnishing the English government with naval stores, in consideration whereof, after the expense should have been repaid by their labor, they were to have £5 and 40 acres per family on the Schoharie Creek. They arrived in New York through May, June, and July, 1710. The majority were placed on Robert Livingston's manor on the Hudson, but became discontented, and seven hundred removed to the Schoharie in 1712. From the land which they there occupied, they were mostly being evicted—they stating their confinement in New York to 10 acres

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per family—when Lt. Gov. Keith of Pennsylvania encouraged these unfortunates to move to the vacant land on the frontier of his province. An affidavit, made on Oct. 22, 1726, by Godfrey Fidler, signer of the petition about to be mentioned, is printed with an account of the Indian treaty of June, 1728. The affidavit says that a fellow countryman, Hans Lawyer (*sic*), went to Philadelphia, and asked the Governor for a tract. Being told to look for one, Lawyer went home, and brought four others to make the inspection, and the Tulpehocken region was selected. Subsequently, Keith being at Albany for the treaty of 1722 (see chapter on the Irish and their Kirk), George Haine and another Palatinate had an interview with him, and reported to those who sent them his encouragement for forty or fifty families to come. The Palatinates cut a road from the Schoharie to the Susquehanna, and built canoes, the neighbouring Indians being friendly; and, in the Spring of 1723, there began the movement down the North Branch, and then down the main Susquehanna, to the mouth of the Swatara, and up that creek, and thence across land to the Tulpehocken region. Some goods and some cattle were brought, the cattle, Weiser says, being driven over land. James Mitchell of Donegal, by letter of May 13, 1723, reported fifteen families having gone up the creek, and the upper savages protesting against such settlement in their territory, and being impatient for an explanation. The aforesaid affidavit says that some families made a stop on the Susquehanna, but Keith sent the immigrants word to settle closer together, as likely so to give less uneasiness to the Indians. A petition of which the date is not given, evidently drawn up by Keith, although addressed to him and the Council, purporting to come from thirty-three families who had arrived the year before, and signed by fifteen men, said that they had been permitted by Governor Keith to settle on the Tulpahaca Creek, the

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most distant frontier, on condition that they make full satisfaction to the Proprietor or his agents for the land, when they should be ready to receive the same. The petitioners prayed, that, upon paying the usual prices for lands at such a distance, they might have titles made to them for such lands as they should have occasion to buy, and be free from the demands of the Indians in that part of the country who pretend a right. It was added that on the same terms fifty more families would come. The petition, on being presented, Feb. 10, 1724-25, was referred to Logan and the others invested with the power to sell and convey land.

Not only were the Indians in discontent, partly necessitating the treaty of June, 1728, which will be mentioned in a later chapter, but the enjoyment of Lætitia Aubrey's devise became affected (see chapter on Confusion at the Death of Penn). As these Palatinates had furnished New York with some troops for the war, had required on Livingston manor soldiers to overawe them, and seemed ready to defend themselves in Pennsylvania from being driven off the land they had offered to buy, we may conclude that there were practically no Mennonites among those who came in 1723, or those who in 1728 and 1729 followed them. We are led to suppose that Lutherans predominated; for the log house of worship put up at Tulpehocken in 1727 is expressly stated by Conrad Weiser Jr., who came in 1729, to have been built by the Lutherans, but also to have been attended by some Reformed. While these companies were arriving on the Tulpehocken, there was the starting in the province of congregations of both denominations, as well as the advent of a great multitude speaking the German language.

The Reformed emerged from the Presbyterian body in the gathering of the Reformed who were of Dutch race, under, to be sure, a German preacher, but ultimately in such relations with their kindred in New York

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as to make all non-British Calvinists part of the Reformed Dutch Church. It has not been made sufficiently plain in Rev. Dr. Joseph H. Dubbs's *History of the Reformed Church in Pennsylvania* that the first steps were practically a secession of certain inhabitants of Dutch origin from the Presbyterian fold to their National Church. Those too far away to make use of the ministrations of any Presbyterian clergyman, except on rare occasions, had for some time held local meetings, with such neighbours as sympathized with them, for prayer and the reading, by a lay reader, of a sermon in the language which they understood. Those northwest of Germantown who had been going to the Presbyterian Church in Philadelphia for communion, decided, in 1725, to organize themselves as a part of the Dutch Reformed body, and insisted upon their reader, John Philip Boehm, a native of Hanau, performing the entire office of Pastor without waiting for ordination. They adopted a constitution, arranging themselves in three congregations, viz: Falkner Swamp (New Hanover Township), Skippack, and Whitemarsh; and Boehm administered communion in the latter part of the year in those congregations to 100 members in all. His services extended to the younger settlements: a congregation was formed at Conestoga, and there on Oct. 14, 1727, he administered communion to 59 members, and at Tulpehocken on the 18th of that month to 32 persons.

In 1727, we find the mention of ships starting from Holland, although stopping at some port in England, bringing large numbers of Palatines. On Sep. 14, 1727, Keith's successor, Gordon, speaking of the arrival of four hundred in one ship, the expectation of more, their design to settle in the back parts of the province, and the want of a license or notice to the Proprietaries or their representatives, expressed a fear of so many "daily poured in," who, ignorant of the language and

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laws, made "a distinct people from his Majesty's subjects." The Council decided to exact an oath &ct., similar to that of Keith's time, until a remedy could be obtained from the English government to prevent the importation of so many into the American colonies. The Council's minutes give a list of those, being all the males over sixteen, appearing before it, and taking the oath &ct., beginning on Sep. 27, 1727. The list, with corrections and appendices, has been printed by Rupp in *Collection of upwards of Thirty Thousand Names of . . . Immigrants in Pennsylvania from 1727 to 1776.*

By November, 1727, according to a letter from Logan, there were many thousand foreigners, mostly Palatinates, in the colony, nearly 1500 having come in the past Summer. He described them as a surly people, with the men generally well armed; and he said that there were some Papists in the number. Possibly that was so, although there is no sign of them until later. Keith had refused to require a religious test of the immigrants. As to those from the Rhine who had landed in England in Queen Anne's time, such as were ascertained to be Roman Catholics were sent back.

The sons of Penn by his second wife, when taking hold of the affairs of Pennsylvania and Delaware, requested the Lieutenant-Governor to get an act passed by the Assembly of the Province proper to deter such further immigration of the Palatinates as might be dangerous or disadvantageous: but this was not done. Although slackening at times, the great influx continued through the period of these Chronicles, the arrivals at the port of Philadelphia for 1748 and a few years preceding averaging over 1000 annually, while in 1749 they numbered 8778.

In the ship which caused the aforesaid proceeding of Gordon and his Council, came the German Reformed Church; not the first person who had been brought up

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within it, nor the first person who had been ordained by it, but the first minister sent over with a recognized charge, and, as far as known, the first laymen not to put themselves under a different jurisdiction upon arrival. Heading the list of those appearing before the Council on Sep. 27, 1727, was Rev. George Michael Weiss, ordained by the Upper Consistory of the Palatinate, and sent as Pastor of such of the company as started from that district. He organized a congregation of such of them as stayed in Philadelphia, the elders being Peter Lecolie (who perhaps had been a Walloon), John William Roerig, Henry Weller, and George Peter Hillegass. Weiss also ministered to those who went towards the Conestoga, and at New Goshenhoppen, where he made his residence with Hillegass's brother.

Weiss, learning that Boehm had not been ordained, denied his ministerial capacity, and summoned him before the English-speaking Presbytery of Philadelphia; whereupon application to remedy the defect was made to the Reformed Classis of Amsterdam. By direction received in due time from said Classis, Boehm was ordained Pastor of Falkner Swamp, Skippack, and Whitemarsh on Nov. 23, 1729, at New York, by Rev. Gualther Du Bois of New York, Rev. Henry Boel of New York, and Rev. Vincent Antonides of Long Island; whereupon Weiss recognized Boehm as such Pastor.

Meanwhile, Rev. John Bartholomew Rieger, who had been ordained in the Palatinate, had come over to Pennsylvania. In 1729, he took the care of the Reformed at Lancaster, which he kept until 1743, some time also preaching at other places. Rev. Caspar Ludwig Schnorr appears subsequently as Pastor of the Reformed at Lancaster.

The opulence of the Reformed in Holland led the Reformed elsewhere to appeal to them for aid. Weiss went to Europe in 1730 to raise money, and a consider-

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able sum was collected in Holland. After his return to America, he spent some years in the province of New York, but finally resumed care of the New Goshenhoppen neighbourhood. In 1730, John Peter Miller, a native of the Palatinate, supplied the Philadelphia Church, receiving ordination from the Philadelphia Presbytery, and, in 1731, he became Pastor at Tulpehocken, being succeeded at Philadelphia by Rieger. Miller joined the Dunkards, taking with him a number both of the Reformed and of Lutherans. Boehm resumed charge of Tulpehocken and Moden Crik Reformed. Sachse tells us that Weiser, who had become a Dunkard, and, when such, was appointed a Justice of the Peace, met Pastor Boehm on horseback soon afterwards, and twitted Boehm with trying to be above his Master, in riding a horse instead of an ass. Boehm replied that he was obliged to take a horse, as the Governor had appointed the ass as a Justice. For a time, Schnorr served Tulpehocken.

The Reformed at Philadelphia in 1734 unanimously called Boehm, who served them long but intermittently. In the Summer of that year, they accepted the constitution of his original congregations, practically putting themselves under Dutch jurisdiction. They rented from Andrew Hamilton a stable or butchering-place for a number of years. The Proprietaries about 1741 sold to them a lot on Vine Street, within the present limits of Franklin Square, which they began using as a burial ground, but which long afterwards was lost by a decision that the five squares set apart by William Penn were public property.

Independence—too often rivalry—of Boehm was maintained, and at the same time independence of Dutch help or supervision, in some German neighbourhoods, as at Lancaster, and in Germantown, at which place from 1726 John Bechtel, without ordination, led religious meetings, and in 1733 a church edifice was

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built. The people of Neshaminy in 1730 applied to Holland for a Pastor, and Peter Heinrich Dorsius, being ordained as such, served from 1737 to 1748, bearing for a while the office of Inspector.

The principles of the Lutheran faith, which has dealt with theology, and not with polity, have in Europe made ministers largely officers of secular government, and have not insisted upon holy orders for the conducting of worship. Consistently with the same, the Swedish clergy on the Delaware did what they could, as has been indicated, for those inhabitants of other race who desired their services, but made no claim that their own Church was the legitimate branch of the Universal Church for the region, and, far from having any jealousy of other preachers of Lutheranism, were inclined to let the Lutherans from the Continent of Europe organize, and take care of themselves. It was the wish of the latter to be supplied by competent ministers picked out and certified to them by Lutherans of high reputation on the other side of the Atlantic, such, for instance, as the Consistory of some well known part of Germany, the Consistory at Amsterdam, the Halle professors, or the Lutheran Chaplains in London. Meanwhile were accepted wandering preachers who could not get employment at home, some of them being unworthy characters such as other denominations in the American colonies found among their clergy, some of them even false claimants to having received the ceremony of ordination. Yet the party feeling among a class where the "solid" reading was theological, and the gossip of a neighbourhood where the preacher's visit was the great event, have doubtless made out some clergymen worse than they were.

Johann Caspar Stoever Jr., native of Luedorff, Duchy of Berg, Unter Pfaltz, a theological candidate, licensed to preach, arriving in Philadelphia in September, 1728, undertook to gather the German Lutherans

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in the rural districts into congregations, independent apparently of the Swedes; while his father, Johann Caspar Stoever, Senr, who arrived in the same month, and is said to have been ordained in Europe, is supposed to have started a congregation in Philadelphia, which, however, was most likely a mission of the Swedes for the Germans. Yet the younger Stoever is supposed to have been the one who baptized certain persons in Philadelphia in 1729. About this time must have begun the services among the Germans of Rev. John Eneberg, presumably ordained in Sweden, who changed his field of labor in 1730 by taking charge of the Weccacoe Church. The elder Stoever removed about 1732 to Virginia, where his subsequent career was important. The younger Stoever preached at many points, including Trappe and other places which Henkel had served, and Lancaster, Tulpehocken, &ct., taking up his residence in Earl Township in May, 1730, and applying unsuccessfully for ordination to Rev. Daniel Falckner in 1731. Following this, the Lutherans, who had been kept to their faith largely by Stoever's itinerating among them, began applying to ecclesiastical bodies of the Rhine country to send ordained ministers.

However, Rev. John Christian Schulze, ordained presumably in Germany, came to Pennsylvania about 1732, and took charge of the German Lutherans in Philadelphia, New Providence, and New Hanover, as well as at Germantown, where he promoted the building of St. Michael's Church. Previous to returning to Europe to raise funds, he, on April 8, 1733, holding the service in a barn at Trappe, in the New Providence district, ordained Stoever as his successor.

In addition to serving this flock, Stoever had many congregations, beginning in September, 1733, a monthly visit to the Codorus Creek (at the site of York), and, in 1736, after intermittent services for three years at

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Lancaster, becoming the regular Pastor there. A stone church building was finished there in 1738. It had a stone altar, and bells were obtained for its steeple. To this man, of whose temper and later actions his antagonists, the Moravians and followers of Mühlenberg, have left unpleasing accounts, was largely due the existence of a German Lutheran body in Pennsylvania and south thereof during the period of these Chronicles.

The German Consistories would not or could not send a minister without a clear understanding for his sufficient maintenance. So various applications for clerical supply fell through. While the Lutherans among the population at Tulpehocken were waiting for a Pastor from abroad, Casper Leutbecker, in 1734, began catechizing, and, having caused the erection of a parsonage, moved in, and, having explained that he had been ordained by the Court Chaplain in London, and reported that the expected Pastor had died at sea, was chosen Pastor. Both of Leutbecker's statements became suspected, causing, or in the course of, a split in the congregation, whereby Stoever, who was an old time Lutheran, preached for the party opposed to Leutbecker (variously spelt in the records), who was a Pietist. Quarrels took place for the use of the church building: and one night, in 1738, the windows of the parsonage where Leutbecker was residing were broken. After his friends had kept watch for some nights to preserve his life, he fled, and, in a partisan's house where he took refuge, died.

When, as aforesaid, Weiss and the Stoevers were establishing congregations distinct respectively from the English-speaking Presbyterians and the Swedish Lutherans, language had become an ineradicable difference between those theologically one. No longer was it necessary for every Pennsylvania farmer or mechanic or shopkeeper to know some English words. The settlers from the Upper Rhine, if they confined

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themselves to certain neighbourhoods,—neighbourhoods greatly multiplying and spreading in certain directions,—found their mother tongue sufficient. The preachers and business agents, both being obliged to travel through the province, and to talk to various races, were alone required to be linguists. When the Irish came to dwell within a few miles, the two settlements did not combine, and, until a generation or so ago, the people of some townships in Lancaster County could not talk with the people of one adjoining. The Swiss, Swabian, or Palatinate origin of nearly all the families taking up land during the period of these Chronicles in Berks County, in the northern part of Lancaster County, and in the greater part of the present Montgomery County, has made the Alemannian dialect with some unavoidable modification by standard German, and with certain English words and expressions, the vernacular of so many Pennsylvanians. Its variation from modern German and Dutch has caused it, as well as the people speaking it, to be called "Pennsylvania Dutch," the word Dutch here retaining its old signification as the translation of Deutsch, and being equivalent to High Dutch, or German, and not connected with Holland, the stopping-place of the immigrants. Besides this, which we may call their Demotic, the inhabitants have used, at least to the extent of reading, what Luther made the literary language of Germany. In the latter or something very close to it, the books for them were printed, and the sermons of their better educated divines were mainly preached. In 1732, Franklin began the publication, under the editorship of Louis Timothee, of *Die Philadelphische Zeitung,* the earliest German newspaper printed in America. In 1738, Christoph Sauer established a printing office in Germantown to supply the wants of this race, and, in the following year, issued his first book. The Christopher Sower Company in still (1916) doing business.

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Laws, even proceedings of Constitutional Conventions to the latest period, have been published by the government of Pennsylvania in German.

In the great movement from Continental Europe to Pennsylvania, either direct or through other British dominions, various religions were introduced, which, if impartiality forbids our calling them queer, may be described as accepted by very few. An extended notice will be found in Sachse's *German Sectarians of Pennsylvania.*

In the first place, not only were there Jews about the site of Schaefferstown, trading with the Indians, but a number of Germans became proselytes to Judaism, and there was a log house used as a synagogue on the trail from the Conestoga to the Swatara. Convincement of the lasting authority of Mosaic law had induced various Christians of the frontiers to practice circumcision, and to forbear eating pork, and to stretch the prohibition against the swan as an article of food so far as to include also the goose.

Johann Adam Grüber and others from those known as "the Inspired (Inspirirten)" came over in or before 1730. The Inspired are said in Schaff-Herzog's *Religious Encyclopædia* to have arisen in Germany contemporaneously with the expulsion of the French Prophets, to have believed practically the same as most Orthodox Protestants with the addition of continuous inspiration, and to have had no officer for teaching or preaching, the service consisting of prayers, singing, recital of the twenty-four rules written by E. L. Grüber for true godliness and holy walking, with the utterance of any prophecies with which some might be inspired.

How early in Pennsylvania began the practice of holding service on the first day or first Sunday of the new moon, we do not know. The "Neumondlers" became a sect before 1730, according to Sachse, and are said to have had certain ideas of the relationship of

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the phases of the moon with the efficacy of prayer and the judgment of souls.

Dr. George de Benneville may be here mentioned, although he did not come to Pennsylvania until 1741; for, about 1748, he preached to the Neumondlers in the Ephrata region, although he is not known to have embraced their peculiar ideas. He is noticeable as the first in Pennsylvania to preach Universalism, and for his experiences, among which was a case of trance and vision. The son of a Huguenot refugee of good family, George de Benneville (see sketch of his life in Egle's *Notes and Queries* for 1898, p. 103) was born in London, July 26, 1703, and at an early age preached in France that every one who sought for refuge in Christ, and gave himself wholly to Him, would, although worthy of condemnation, receive redemption. Sentenced to death for persisting to preach without a license, he was being bound by the executioner when a reprieve arrived. Afterwards going to Germany, and mingling with the mystics of Berleburg, De Benneville fell into a trance at Mons, of which, with the vision he then had of heaven and hell, he published an account. He settled in Germantown in 1741, but moved to Oley in 1743, where, preaching in a place of worship controlled by the Moravians, he, in 1745, offended them, and lost the use of the place, by his doctrine of universal restitution. Then he built a large dwelling house over a spring, and preached there, until, in 1755, owing to the Indian war, he removed to Philadelphia County. He continued practising medicine and occasionally preaching. He died on Mch. 19, 1793.

The history of the Germans ecclesiastically will be continued in connection with Zinzendorf in the chapter on Unitas Fratrum and Attempted Church Unity. The relations of the Germans to the secular affairs of the Province will appear in other chapters. It only is necessary to say here that the German immigration, which

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frightened Gordon and Logan, and which Penn's younger sons wished to forbid, did much to fill up the empty regions east of the Susquehanna and east of what is now called its North Branch; and even as early as January, 1738-9, Governor Thomas expressed his belief that the flourishing condition of the Province was in a great measure owing to the industry of these persons, and that should any discouragement divert them from coming, the value of land might fall, and the advance to wealth be slower. The Assembly to whom these remarks were addressed, agreed that the flourishing condition was in part owing to the importation of German and other foreigners, but said that it was chiefly to be ascribed to the lenity of the government, and the sobriety and industry of the first settlers and the other British inhabitants.

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CHAPTER XVIII.

The Final Struggle for Judicial Rights.

The Assembly grants an excise to pay Gookin —Orphans' Courts established—Restraint upon the actual Governor removed by the agreement of sale—Assembly resolves in favor of fines &ct. being paid into the treasury—Gookin questions the legality of an adjournment by less than a legislative quorum—Courts established by the Governor's Ordinance—Gookin's attitude to certain persons and his inclination to duelling—Richard Bermingham—Gookin's course in the Lower Counties—New king for the Shawnees—Election of 1714 in Pennsylvania—Popular nomination for Sheriff of Philadelphia not followed—Gookin's salary falls short—Proceedings on death of Queen Anne and accession of George I—The "Pretender"—Legislation—Regents of England allow qualification by affirmation, but reject permission to omit mention of God—Rev. Francis Phillips—Claim of ecclesiastical privilege—Difficulty about the appointment of a new Lieutenant-Governor — Gookin kicks a Judge—William Keith appointed to succeed Gookin—Conditions in last months of Gookin's administration — Murderers untried, owing to his interpretation of Act of Parliament —Charge against Hill and Logan of disaffection to King George—Gookin's unsuccessful application to the Crown for the islands in the Delaware —Project to have the Crown take control of the Lower Counties—Earl of Sutherland unsuccessfully applies for the soil and government of them —Keith's treatment of young Ben Franklin—Keith's arrival, early acts, and official income—His suggestion of a royal province, including West

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Jersey—Gookin withdraws his charges against Hill and Logan—Keith receives the balance due the Queen, and builds "Græme Park"—Pirates—"Blackbeard"—Question of commissions being issued in King's name—Keith passes laws independently of the Council—He has the murderers tried and hung, although witnesses and jurors were on affirmation—Reactionary legislation as to penalties for crime—Judges &ct. confirmed in right to qualify by the Parliamentary affirmation—The only Court of Chancery ever in Pennsylvania.

The agreement by William Penn to sell the government to the Crown promised an alteration in the circumstances of Gookin, holding the Lieutenant-Governorship at that time. Addressing the Assemblymen chosen in 1712, on their presenting Isaac Norris as Speaker, Gookin said that he did not expect to be made Governor by the Crown, and asked that 250*l.*, remaining unpaid of what had been already voted to him, be provided for, as well as other debts of the Province, and that some allowance of money be made to enable him to return to England, the great aim of which was to wipe off the calumny upon him for passing some acts thought necessary by the People. He seems to have meant chiefly two acts already disallowed by the Crown, viz: the one of Feb. 28, 1710–11, authorizing the radical Quaker affirmation; and the other of April 30, 1709, requiring, upon contracts made before May 1, 1709, except rents and future payments for lands and goods, foreign silver coins to be taken at the rate already fixed by local law, or "old currency," instead of the new rate, or "new currency," established by Parliament for contracts after May 1, 1709, and moreover arranging an equalization by reducing the prices of all goods one fourth of the price in "old currency." Gookin added, in this speech to the Assemblymen, that, after all, he

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was a great loser by coming to Pennsylvania. Pending a response to this appeal, while the Assembly was taking long recesses, he exacted larger fines than Evans had done, one fine amounting to 100*l.* The Assembly in due time laid an excise for one year on all liquor retailed, or sold by the gallon or under, including cider, and on every pound of hops imported, unless the product of the Lower Counties, or of New Jersey. The proceeds, after paying for the services of the Assembly itself, were to go to make up all balances due on sums voted to the Lieutenant-Governor, and then to pay all debts ordered by preceding Assemblies, and to give 250*l.* to the Lieutenant-Governor or his assigns, before paying the debts ordered by the present Assembly.

On March 27, 1713, an Orphans' Court in each county, to be held by any number of the Justices of the Peace, was finally provided for by law.

Gookin appears to have been chafing under the control exercised over him; and, after three or four years experience of being Governor, he imagined that he knew something about the steps to take. He became more and more determined to walk alone. If William Penn was to cease being his superior, the obligation to obey Penn's friends was at an end; and, moreover, before the Queen, it was not the Councillors, but the actual Governor, who was to bear the responsibility for the official acts. We do not know whether Gookin or any of his friends reasoned, that, the government being in equity surrendered, because contracted so to be, and partly paid for, all chartered privileges had fallen, and that he, as Governor by the Queen's approval, was free to rule as he saw fit; but, as time went on, he more and more disregarded the local constitution, whether the Frame or the traditional course. Whatever were his rights, his want of dignity, of courtesy, and of consideration for others in his actions was reprehensible, in fact only to be excused on the ground of mental in-

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firmity, somewhat resulting from bodily illness. When it became clear that Penn, after contracting to part with his authority, had, through mental decay, lost the power of watching and complaining against the actual Governor, and of using against him the influence which would otherwise have survived, this ex-drill-master of fifty soldiers was free to resume his peremptory habits, to address the inferior officials as mutineers, and to give rein to a violent temper, without, as in the army, having a colonel over him. Naturally, the chief citizens were inclined to avoid contact with him; and he, on his part, having bought a plantation in New Castle County, was often absent from Philadelphia, and after 1713 was usually at or near the plantation.

The Assemblymen chosen in 1713 elected Growdon as Speaker, and promised to take up the matters suggested by the Lieutenant-Governor, viz: his support, the failure to collect the money voted to the Queen, the continuance of friendly correspondence with the Indians, and the inferior grade of the flour manufactured; and then, on Oct. 15, the Assembly adjourned until December 28. No meeting of the Council appears in the minutes between October 15 and July 16 following. At some stage of Gookin's dealings with the Assembly, the offer was made to him, that, if he would stand firm against the money-voting authority, a sum would be raised by those in the adverse interest to prevent his being a loser. This, he, in the following year, declared to have been proposed to him by only one person, and to have been rejected with scorn. The House, reconvening after its first recess, agreed to raise money for the Provincial debts by an impost, and decided that the law relating to flour was sufficient, if put in force, and also resolved unanimously to have all fines, forfeitures, and perquisites of the Governor and government paid to the Provincial Treasurer. This, doubtless, excited Gookin's ire. When, the House having adjourned to

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February 8, only fifteen members then met, he took advantage of the want of two thirds, the quorum for legislation, claiming that the adjournment until the next day was not legal, and that the House had died. On the 9th, sixteen, who, with the Speaker and Isaac Norris, both in town, would have made the required two thirds, met, and would have waited upon the Lieutenant-Governor, but, he being out of town, and unlikely soon to return, those present adjourned until the 15th. Then nineteen met, and adjourned to the next day, when the requisite quorum convened, with the Speaker in the chair, and asked Gookin if he had anything to lay before them, but he declared that he could not notice them as a House. After a second committee had been told by him that he would consult his Council and lawyers whether to call for a special session of the present members, or of freshly chosen members, an address was sent to him, on the 17th, contending for the right of less than two thirds to adjourn from day to day until the two thirds arrived. Two members took this address to him, but he refused to receive it, and said that they and those who sent them were an unlawful assemblage, and bade them go about their business, otherwise he would order the Sheriff and constables to disperse them. This being reported, the Assemblymen ordered that a copy of the address and proceedings be published in the coffee house, and that there be an adjournment to the 17th of 3rd month. On 3rd mo. 17, enough members to make a quorum met, but, as the Lieutenant-Governor was out of town, adjourned to the 2nd of 6th month. Gookin decided to issue writs for a new election, but, the great seal, in the absence of Thomas Story, being in the hands of Logan and other Commissioners, they refused to attach the seal; and so, the Lieutenant-Governor finding it necessary to have the representatives of the People meet, he summoned those already chosen, nam-

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ing as the time the 3rd of August, the day after that to which "a quorum" had adjourned.

Official notice having been received of the repeal, among other laws, of the law for courts, the Lieutenant-Governor, on the advice of his Council, established courts by an ordinance, dated July 20, 1714. The Assemblymen deemed it foolish to enact new laws without knowing the objections made to the old by the Solicitor-General, no copy of which objections had arrived; and the House asked on August 6 that the Governor waive the ordinance, and direct the courts to sit at the usual time, and to postpone the cases, as the conusance of pleas and other powers seemed to be so granted to the Justices by the former commissions as not to be vacated by the repeal, and as the ordinance would involve new commissions, upon which Quaker magistrates could not act without a law. Gookin could not get his Councillors to attend to give an answer to this, and he urged the Assembly to pass some law for inquest and evidence. However, the Assembly adjourned to the 23rd of 7th month, he agreeing to call it sooner, if the reasons of the Solicitor-General arrived, but that did not happen.

Resenting tutelage, and jealous, suspicious, and doubtless finding out that Logan had tried quite early to have Evans reappointed, Gookin hated Logan and Hill, and particularly Logan, and for a long time would not speak to the latter. He blamed Logan for nearly all distasteful action of the Proprietary Quakers, and at the same time blamed John Moore for that of the Churchmen, and John French for that of the Delawareans. Gookin had, before coming to Pennsylvania, fought in several duels, losing some of his fingers, and being marked with scars. As he became excited during the later years of his gubernatorial service, and more easily affronted, he threatened a resort to "the field of honor" to obtain satisfaction: and it seemed that

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such non-Quakers as he recognized as gentlemen were likely to pay for the slightest opposition to him with their blood.

Natural as was Gookin's alteration in political attitude, much of his behavior was attributed to influence exerted upon such an impressionable character by Richard Bermingham, a lawyer, who had married Gookin's sister, and who came over to Pennsylvania in the early part of 1714, she accompanying or following him. Even before his arrival, to keep the clerkship of New Castle County for him, Gookin disregarded the Proprietary commission conferring that office, with power to serve by deputy, upon John French; which commission the latter had brought with him after a visit to England.

The want of any formal grant by an English Sovereign of the soil or government of the Lower Counties to Penn, or of legislative autonomy to their People, left to any Governor whose appointment had been confirmed by the Crown at least a show of right to act according to his arbitrary will. Any moral obligation to follow the Charter conceded by Penn, who had named him as Lieutenant, might be considered destroyed by the frequent repudiation of that Charter by the leading Delawareans, whatever right the Pennsylvanians had to consider the transfer of the government of their own Province to the Queen as not yet accomplished, and the Charter as to themselves as still in force. Gookin declared that the People of the Lower Counties had no power to make laws by virtue of any rights vested in William Penn. This declaration may have been made in connection with the acts of May, 1714, when the Assembly of the Lower Counties passed several laws with Gookin's consent. Subsequently looking them over, he found some which he thought objectionable; he therefore withheld such from publication, justifying his conduct, in his speech to the Assembly at New Castle

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in the following February, by saying that he had consented before reading.

Various actions interfering with the privileges enjoyed by the inhabitants of the Lower Counties, some of the privileges being the ordinary rights of English subjects, are proved against Gookin. Their sequence is not important. He would not appoint John French as Sheriff of New Castle County, although several times presented by the voters as one of the two from whom the Governor was to make choice, as was done in Pennsylvania proper: so Gookin on one occasion appointed a person not so nominated. Taking umbrage at the action of the Justices of that county in ordering a bond given by Bermingham to be assigned, Gookin removed French from the Prothonotaryship, which he appears to have been holding, and, in September, 1714, Gookin went to the Prothonotary's office building, and, with his own hands, broke it open, and took away all the records of the county. He then issued a proclamation, which he caused to be affixed to the door of the court house, discharging all the magistrates. For about six weeks, there was neither Judge nor Clerk of a court in that county, or in Kent. He himself issued writs, signing his own name, and, not having found the county seal, sealed them with his own ring, bearing his coat-of-arms. As to Kent, he held out for a certain price to be paid him for the position of Clerk. He is even said to have told the Justices of New Castle to obey orders from him, and, naming Bermingham first in the commission of the Peace for that county, to have filled up the bench with persons unfitted in ability. They were deemed objectionable in that they were not of British race, but in course of time they became ashamed of their colleague, who boasted that if he acted illegally, even beat or maltreated anybody, his brother-in-law, the Governor, would put a *nolle prosequi* to any suit. Enoch Jenkins, a constable charged with bringing Pru-

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dence Holt before Bermingham as a Justice, was persistently denounced by Jolly, the plaintiff, as acting to impede the case, and finally retorted that if they were not in court, he would say that Jolly lied. For this, Bermingham ordered Jenkins to be put for four hours in the stocks. He there remained two hours, another magistrate then taking him out. Bermingham then induced the Lieutenant-Governor to issue a warrant against Jenkins, and order him to pay 40*s.* fine, or go to jail. Jenkins sued Bermingham. At the trial, the Lieutenant-Governor mounted the judicial bench, and, in great passion and violent language, berated Andrew Hamilton, Jenkins's counsel, and threatened to cane or horsewhip or use the sword upon Hamilton.

In 1714, the Shawnees, tired of waiting for the return of their absent King, Opessah, chose another in his stead, viz: Cakundawanna, and presented him as such to the Council of the Province.

Gookin's few friends never amounted to a political faction, and the only electoral contest in Pennsylvania in 8mo., 1714, was in Philadelphia County between a "country party" and the residents of the City. The delegates for the preceding year, Robert Jones, Matthias Keen, Edward Farmer, John Warner, Nicholas Waln, Toby Leech, John Roberts, and Thomas Rutter, seem all to have been countrymen. All were reelected with the exception of Keen, replaced by Jestill Jestis.

Despite the People's nomination of other men for the Shrievalty of Philadelphia County, the Lieutenant-Governor in 1714 appointed Peter Evans, in consideration of the latter giving him thirty pistoles.

Yet Gookin was feeling a financial disappointment, complaining on Oct. 15, that, of the 500*l.* granted to him by impost in 1712, not more than 300*l.* had been received.

Queen Anne had died on Sunday, August 1, 1714, and, under the Acts of Parliament for insuring a Protestant

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upon the throne, George, Elector of Hannover, had become King of Great Britain.

David Lloyd was chosen Speaker when the Assemblymen met; and they voted an adjournment until December 13, being in doubt how to promise allegiance, owing to unofficial news of Queen Anne's death. The Lieutenant-Governor of Pennsylvania and Territories, hearing that proclamation of the new King had been made in Boston, New York, and New Jersey, asked his Council what should be done. It is possible that Richard Hill and James Logan thought that an official order should be waited for. Norris, Dickinson, and Assheton were the others present. It was decided to proclaim the King, and this was done on October 27, in the market place by the Sheriff of Philadelphia in the presence of the Lieutenant-Governor and Councillors, officers of the Corporation, and gentlemen of the city, who were all afterwards entertained by Hill, who was then Mayor. The official orders to proclaim arrived on December 14. The Assembly having reconvened, all the members except Samuel Preston took the qualifications prescribed in the Provincial Act of Jany. 12, 1705–6, with King George's name substituted for Queen Anne's. Preston's scruples were allowed by the House, and the election of a new member from the city, in his place, was ordered.

The danger that the Pretender, as James II's son was called, might overthrow the Protestant successor to Queen Anne, seemed to offer Gookin and Bermingham, or rather Bermingham and Gookin, a chance to entrap their enemies, or to secure from England a military force under the Lieutenant-Governor's command. Rather as an experiment or "a feeler," Bermingham spread a report that certain persons or the Justices of a certain court had proclaimed the Pretender. As a matter of fact, when the days had elapsed for the Governor to select a Sheriff from two persons chosen by

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the voters in a certain county, whereby under the law the first named was entitled to the office,—was this the occasion when Gookin appointed Peter Evans?—the aforesaid first named went to the County Court, with some friends, and was proclaimed according to custom. Several persons complaining to Gookin of Bermingham's slander against those who had been present, Gookin declared that it was a joke: his brother-in-law's words about "the Pretender" meant the man who pretended to the Shrievalty! The humor of what might have brought about an arrest for high treason, sober-minded persons did not see.

The Assembly presented to the Lieutenant-Governor a good many bills to take the place of some of those repealed by the Crown, and afterwards one levying an impost for his benefit on imported wine, rum, brandy, and strong liquors and on hops, negroes, and Indian slaves. Conferences having been held between the Council and Assembly on other bills, he was left alone to confer upon a reenactment of the repealed law empowering religious societies to hold land, and upon the laying of the impost. He declared as to the first of these that he did not see how he could excuse himself, if he were to pass word for word what was disapproved of in England. As to the impost, it was believed that its confirmation would be fought by several of the merchants, who would send over a copy as soon as possible, and raise a good sum of money, and probably win, as most, if not all, laws laying any burden upon trade had been disallowed, and meanwhile the said merchants would not pay the duty, but would stand trial in expectation of a repeal coming before any judgment could be obtained. Gookin not only spoke of this, rather excusing the merchants for opposing a step in the direction of levying all taxes on them, but he also showed, that, even if the merchants were willing to pay, the arrival of vessels with the merchandise taxed was un-

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certain, and, at best, he could not expect half a year's collections before Winter, and must then wait until Spring for the next Assembly to reimpose the tax. He told the House's messengers that he would be obliged to get particular members to bind themselves to pay to him a certain sum, in lieu of what was expected to be raised, if he must pass any laws: but this he afterwards said was a joke, and he told the messengers not to report it to their fellow-members; but it was repeated, and caused an adjournment to the end of the legislative year. On the 16th of April, however, he summoned the body to meet on May 2. At the special session, the Assembly asked the Lieutenant-Governor to proceed with the bills already before him as amended, and declared that the circumstances of the Country would not allow any other provision for him than the impost offered; but, the Lieutenant-Governor refusing to pass any law, unless he received a more satisfactory support, the Assembly offered a land tax as well as some changes in the imposts, if he would pass the bills. To this, he replied that he would pass all the bills together when that for his support was ready. The Assembly then took a recess for two weeks, at the end of which a quorum failed to appear: whereupon he again summoned a special session, which a quorum attended on one day's notice. Very quickly a tax of 1*d.* per *l.* and 4*s.* per head was voted: the law as passed gave him 400*l.* out of the first proceeds, and, after the discharge of debts incurred by preceding Assemblies, 200*l.* more. It was passed on May 28 with the measures desired by the representatives somewhat modified. Among the other acts, was one, noted elsewhere, imposing a duty of 5*l.* on every negro imported, and one laying an impost for three years on imported liquors and hops, the cider and hops produced in the Lower Counties and West Jersey excepted. These two acts were repealed

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by the British government, but that imposing a tax on real estate &ct. was allowed to stand.

It was also enacted that no freeman should be taken or imprisoned, disseized of his freehold or liberties, outlawed, exiled, or otherwise hurt, damnified, or destroyed, or tried or condemned, but by the lawful judgment of his twelve equals, or by the laws of this Province. Although this was almost in the phraseology of Magna Charta, and was by a proviso not to obstruct the Court of Admiralty in any matter properly cognizable by it, the Lord Justices Regents of Great Britain repealed the act, as by the general words possibly interfering with the laws of Parliament. Confirmation of sales, gifts, and grants of land to religious societies for burial grounds, houses of worship, schools, and hospitals, as well as authority to purchase for such uses, was refused by said Regents, as, by the retrospective provisions, probably injurious to purchasers, creditors, and others. The Assembly reestablished, and the Regents permitted, for those who for conscience sake refused to take an oath, the form of affirmation, viz: "Dost thou in the presence of Almighty God, the witness of the truth of what thou sayest?" By another act passed on the same day, those who conscientiously scrupled to take such affirmation were to be allowed to answer yea or yes to simply "Dost thou solemnly declare?" This privilege was repealed in England on July 21, 1719.

Under certain acts, a judicial system was established, the first new Quarter Sessions Court for Philadelphia County being held on the first Monday of June, 1715. The acts were not repealed until after being in force more than four years.

The Church of England in the Province, or at least in the city, was disrupted at the close of the year 1714 by reports that Rev. Francis Phillips, temporarily in charge of Christ Church, Philadelphia, had told or

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rather boasted of, among other immoral acts, dishonoring certain ladies of the highest social standing in that congregation. One faction believed that he had indeed so heinously slandered spotless innocence; but Gookin, who was a vestryman, and with him the great majority of the congregation, took the part of Phillips, who claimed that he was the victim of the spite of one of the persons who pretended to report his statements. Writs being obtained against Phillips by Collector John Moore, the father of one lady, and by Councillor Trent, the husband of the other, the Sheriff, the aforesaid Peter Evans, who wished to marry Miss Moore, and was accordingly bitter against Phillips, arrested him as he was going to bed on Saturday night, Feb. 22, 1714–5, not allowing him, it is said, to put on his stockings, but taking him with legs bare to jail, half a mile off, and refusing to let him send for bail. The next day, Sunday, two or three hundred young men and boys, partisans of Phillips, gathered around the jail, and threatened to pull it down, if he were not set at liberty. They extorted a promise that he would be let out that night. Immediately afterwards, he was allowed to go home by an order from the prosecutors. The mob, in retiring, attacked the residence of the chief informer against Phillips, but was dispersed by the Governor. The next day, the mob broke Trent's and Moore's windows. Balked of making Phillips uncomfortable in jail, Peter Evans determined to show himself the champion of Miss Moore, his suit for whom was not favored by her family; so, on March 10, he challenged the minister to fight with swords. Phillips did not appear at the time and place given in Evans's note, viz: between seven and eight in the morning on the west side of Joshua Carpenter's garden (7th and Chestnut). Evans was indicted for sending a challenge: but the trial jury returned an alternative verdict, leaving to the Judges to say whether a demand to come "*cinctus*

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gladio" was a challenge! The court took it into consideration, and the decision is not known. The neighbouring clergy were satisfied that Phillips was guilty of slander, but were unable to induce him to leave the province; so they wrote, on March 17, to the Bishop of London to have him removed. Pending action by that far away prelate, Phillips and a good congregation held Christ Church: and the friends of the Moores and Trents went for Divine service to the court house, where Rev. Robert Jenney, afterwards Rector of Christ Church, ministered to them. Peter Evans married Miss Moore without her father's permission, and found it hard to support a wife, the repeal of the law for Courts having reduced the revenue of the Shrievalty: but her father became reconciled. Meanwhile, Gookin, perhaps to some extent inspired by his dislike of Trent, interposed to shield Phillips, and to establish clerical immunity or privilege, wholly obnoxious to the principles upon which the colony was founded. While private individuals wanted to punish or get rid of Phillips for his lies, the Quakers in office wished to try him for various offences which he was said to have confessed: but to three actions at least the Lieutenant-Governor entered a *nolle prosequi.* A letter written by John Newberry, published in Perry's *Collections,* says, that, when the Quakers brought Phillips to their court, the Governor stood by him, and bid him sit by him within the bar. The Mayor bid the accused stand up, but he refused, saying that he belonged to the Bishop's court, not to theirs. The Mayor forced him to give bail until next court, at which he was fined 20*l.*, but the Governor said: "Mr. Phillips, you may go home if you please, I'll forgive you your fine." At the next court, a constable, and then the Sheriff, was sent to bring him; but the Lieutenant-Governor with his cane drove the Sheriff away, and went to the court, which then cleared the accused by proclamation, and discharged his bondsmen. Yet

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Gookin promised to support the Proprietary's powers of government and the magistrates, when the Assembly had, on June 9, expressed disappointment that, instead of the opening of the courts putting a stop to the tumults, some of those who occasioned the tumults were endeavoring to bring the Governor to the opinion that there was no power to try a clergyman for fornication, which, although elsewhere of ecclesiastical conusance, was in this Province triable in the court of Quarter Sessions. The Assembly insisted that the Governor execute the laws, and countenance the magistrates and officers in discharge of their duties. The Bishop of London sent an order, delivered to Gookin and Phillips in October, that the latter vacate Christ Church. On the Sunday when Rev. John Talbot, by arrangement of the Anglican clergy, officiated there, Gookin went off to the Swedish Church. Logan on 10, 2, 1715, speaks of "the parson who has so long tormented this place" going passenger on a vessel to sail in two or three days for London.

Troublesome, expensive, and in its result unsatisfactory as every appointment of a new Governor had been, such a thing, moreover, seemed for a while precluded by the condition of Penn's health and the uncertainty about the surrender; and those who appealed to the Proprietary family against Gookin were told, about the beginning of 1715, that they must make the best of him. They endeavored to do so, Logan and Norris accepting seats on the bench of Philadelphia County in June, 1715, at the request of the other Councillors. It seems that during that year, Gookin in his house with Bermingham had an altercation with Joseph Wood, a Quaker, one of the Justices of the Supreme Court for the Lower Counties, about the judicial proceedings, and kicked him. In September, leading citizens of the Lower Counties, including Halliwell and Rev. George Ross, the S. P. G. missionary at New

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Castle, and others by no means attached to the Proprietary interest, appealed to the Councillors to relieve them from the jeopardy they were in so long as Gookin remained in power. This letter was forwarded to Hannah Penn, with one from the Commissioners of Property, saying how imperative a change was for the Proprietary interest in those Counties. The Delaware Assembly set forth on Oct. 14, 1715, an enumeration of grievances, Yeates being Speaker.

Gookin himself was disgusted with his occupation and surroundings, and would have jumped at another office instead. When the Pennsylvania Assemblymen chosen in 1715 met him, and presented Growdon as Speaker, Gookin advised them to pass whatever laws might seem to them necessary, as he had made a request to the Proprietary for leave to go home in the Spring, and to some persons of note to procure the King's leave of absence for twelve months, and there was the possibility of there being another Governor instead of his own return. Gookin also called attention to the land tax being ineffectual. A law for extending the time for putting this in execution and a law reviving process and curing defects were accordingly enacted.

William Keith, ex-Surveyor-General of Customs, visiting Penn's dominions, an opportunity for getting a new Lieutenant-Governor seemed to present itself in the influence which Keith thought would be exerted in his favor in England by the Duke of Argyll, on whom King George put much dependence. As Keith's manners were pleasing, and his conduct as Surveyor had been irreproachable, the Councillors in a letter to Hannah Penn of 2 mo. 27, 1716, recommended him, in some apprehension, however, that his Jacobite affiliation might cause his rejection, and their favoring a suspected person redound to their injury. Possibly all that they knew as likely to make some officials distrustful of him was that he had been appointed Surveyor by a Tory

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Ministry, and been removed by the Whigs whom the new dynasty put in charge; and that the nobility and gentry of the neighbourhood where he was born, were attached to the Stuarts. He was son of the third baronet of Ludquhairn in Aberdeenshire, and had been Commissioner of Supply for that shire, and had been selected about 1702 to carry to Queen Anne, and to read and deliver to her personally, an address from certain Tory noblemen, an address which she, however, refused to receive. One of his maternal uncles, Moray, had been an active partisan of James II, and Keith himself spent some time at the exile's court at St. Germain, and even hoped, it is said by Burnet's *History of his own Times*, to be Under Secretary for Scotland after a restoration of James. When visiting London, Keith had been arrested and examined in Feb. and Mch., 1703–4, as in the secrets of the so-called "Scottish Plot" of 1703, and some years later had been again under arrest as a "dangerous person;" and Keith's father and probably his brother had been in arms for the Pretender. The wary Pennsylvanians asked, that, pending consideration, their letter be not shown outside of the circle of Penn's close friends. The Assembly had on 2 mo. 3, 1716, adopted an address to King George expressing joy at his accession, horror at the "unnatural" rebellion, and thankfulness to God for its suppression. Keith presented this to the Prince Regent, the King being in Hannover, and received the assurance that the Quakers were looked upon as loyal subjects, and that the King had a great regard for them. Keith, in his *Just and Plain Vindication*, gives an amusing account of the court he had to pay in England to the mortgagees, and perhaps conveys an exaggerated notion of his expense for their "good comfortable eating and drinking," after which he was nominated Lieutenant-Governor by Penn "with the advice and consent of his Friends and Trustees under written," the paper being signed by

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Penn himself and Henry Gouldney, Silvanus Grove, and Joshua Gee. The royal approbation was secured on Dec. 17: it was without limit of time as to Pennsylvania, but during pleasure as to the Lower Counties.

The people of Chester County had been terrorized by some desperadoes, who, after murdering Jonathan Hayes, continued their rioting and fighting, boasting that it was not in the power of the government to punish any capital crime. An Act of Parliament had been passed in 1 George I making perpetual in England, and extending for five years to the plantations, the Act of 7 & 8 William III authorizing the acceptance of the affirmation therein prescribed for the Quakers: but this often mentioned Act had provided that no Quaker should by virtue thereof be qualified to give evidence in criminal cases, or to serve on juries, or to bear office or place of profit. Certain men charged with the murder of Hayes were arrested, but Gookin doubted whether the laws of the Province authorizing the qualification of Quakers as Judges, jurors, or witnesses in criminal cases had not been suspended by this Act. The Assembly, meeting in May, 1716, on special summons for legislation on other subjects, expressed uneasiness at criminals not being brought to trial. He replied that he must be very cautious how he proceeded in matters touching the life of a man. In the succeeding months, while he appointed Churchmen to hold court, he took the position that Quakers were not competent in the case. About this time, he made Hamilton a violent enemy, possibly procuring the institution of the suit for which Hamilton on Sep. 21, 1716, gave bond in 1000*l.*, with Clement Plumsted and Israel Pemberton as sureties, to appear at the next court of record. Hamilton soon afterwards so expressed himself as to be indicted, as appears in Wharton's *Precedents of Indictments and Pleas*, p. 961, the grand inquest presenting that Hamilton, on Oct. 10 in the 3rd—the insertion of

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"first" is clearly a misprint—year of George (1716), "of the honorable Charles Gookin, esquire, lieutenant-governor of the province of Pennsylvania then and still being, the wicked, opprobrious, and reproachful words following did speak, utter, and pronounce viz. Damn him (the said lieutenant-governor meaning) If he (the said Hamilton himself meaning) ever met the damned dog Gookin out of the Province in which the said Gookin had command, or any other convenient place, that by the eternal God he (the said Hamilton himself meaning) would pistol him, and that he (the said lieutenant-governor again meaning) deserved to be shot or ript open for what he (the said lieutenant-governor again meaning) had done already, and swore by God he (himself again meaning) could find the heart to do it, and would, if he ever had him (the said lieutenant-governor again meaning) in a convenient place." The proceedings in the lawsuit or under this indictment are not known. Similarly Gookin attacked Richard Hill and James Logan, accusing them of disaffection to King George. This being known to the Assemblymen elected in 1716, by whom, moreover, Hill was chosen Speaker, they asked for proofs, and also took up the cause of Quaker competency in criminal trials, Trent and Roche, Churchmen, and Dickinson, a Quaker, having as Justices declared it imprudent to act in opposition to the view of the Governor who had commissioned them. In vain was notice served upon Gookin that no laws would be passed, nor support granted. In vain in the course of a representation dated 9, 3, 1716, addressed to him, and of which a copy was sent into each county, and also to England, the Assembly tried to frighten Gookin with the specious argument, that, if he were right, William Penn was disqualified from the Governorship-in-Chief, and the Deputy's office would fall with Penn's. The other side had been more frightened when Gookin, refusing to bring proof against Hill and Logan, said that

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he would do so in England. On the main question of the construction of the law, the Assemblymen were right, the Quaker Councillors, as a rule, and even Robert Assheton concurring with them. Gookin had further discouraged the preservation of peace and administration of justice. Judgment having been given in the Common Pleas in September against Hugh Lowden, the latter vowed revenge upon Hill and Logan, who were Judges, and, arming himself with pistols, waylaid both at their doors, and, meeting Hill the same night, levelled the loaded pistol at him. When Lowden had been indicted, the Lieutenant-Governor had a *nolle prosequi* entered. In the following March, in expectation of Gookin being superseded, the Assembly at his request made him a parting gift of 200*l.*

About two years and a half after Gookin went out of office, he petitioned the King, in view of many years service in the army, loss of rank by accepting the Governorship, and expenditure of small savings in supporting such dignity, to grant him the islands in the river Delaware, as not being included in Pennsylvania or New Jersey, and they being small and barren, but capable of improvement by banking out the tides, clearing, and planting corn. Among other testimonials, Earl Cadogan, who succeeded the Duke of Marlborough in the command of the army, wrote that Gookin was a very honest man, and reduced to such circumstances as to be an object of compassion. The Attorney-General's and Solicitor-General's opinion being asked, they said that no part of the Delaware river or islands therein was included in the provinces bounding on that river, but suggested that the settled or improved islands be excepted from the grant, and the occupiers allowed to continue, that Gookin be required to settle in a certain time whatever he received, and that the government of the same be annexed to New Jersey. Gookin supplemented his petition by asking for all the islands on condition

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of allowing to the improvers their improvements. The King ordered the Board of Trade to particularize what islands had been improved, and to decide whether the settlers be quieted in possession or compensated. The grant was never made.

It is said that in the final twelve months that Gookin served, the people of the Lower Counties were upon the point of insurrection against him. While so many were exasperated by his behavior, the Rev. George Ross and others at New Castle started a new movement to have the Crown take the control of those territories from the Proprietary of Pennsylvania. Yeates and John French declined to sign an address to that end to the King, but did not tell Penn's friends about the address until it had been sent over. Kenneth Gordon, who had recently arrived in the colony, was meanwhile working to smooth the way for himself as Governor, or as Lieutenant-Governor under the Earl of Sutherland, or perhaps for any other deputy whom that Earl might appoint. John Gordon, Earl of Sutherland in the peerage of Scotland, had been Lieutenant-General of the forces of George I in Scotland, and had taken Inverness from the rebels in 1715. After Gookin's successor as Lieutenant-Governor had been approved by the Crown, but before his arrival in Pennsylvania, the Earl petitioned the King, that, as there were arrears due to the Earl since the Revolution amounting to more than £20,000, a grant be made to him of the soil and government of the Lower Counties. The lawyers for Penn strenuously maintained the latter's right before the Attorney-General and Solicitor-General; but those officers reported against such right, at the same time suggesting that the King's right should be established by a court of Chancery before a grant be made to anybody, and that, if a grant were made, the claims of purchasers under Penn who had made improvements, be established. They added, that, if Mr. Penn had title, there had been

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no cause shown why he should not account for the rents in accordance with the deed for the land below the circle around New Castle. The attorney for the Earl of Sutherland had already asked, that, if he could not receive the grant, he be allowed the benefit of Penn's accounting. No movement was made to have the title passed upon judicially, and no accounting for the quit rents by the Penns took place: the Earl, setting forth that the government was satisfied with the Crown's right, renewed the application in 1725, and declared his willingness to confirm the claims of the purchasers under Penn, and a fresh reference to the Attorney-General and Solicitor-General was made on Nov. 18.

It is a strange case of one's sins finding one out, of private actions coming to notice, and being expiated in the reputation of historical characters, that Gookin's successor, whose public acts were so important, is chiefly known for his broken promises to a printer's runaway apprentice, eighteen years old—who was not a very nice young man—who might never have been heard from. But for the great fame to which Benjamin Franklin rose, and the entry of the following story in his widely read *Autobiography*,—there is no other record of it,—all the conduct otherwise known of Sir William Keith which is indefensible—the present author holds no brief for him—might have been disregarded in the verdict of history, and the animadversions upon him by contemporaries with whom he interfered would be challenged, and he would stand upon a pedestal in the view of many Americans as a champion of the People's cause. In an exuberance of affability, being impressed with a letter written by young Benjamin to the latter's father, and shown by Benjamin's brother-in-law, who was captain of a sloop, Sir William sought Benjamin, suggested his going into business for himself, and, on the father's refusal to advance the money, promised to give a letter of credit and introduc-

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tion for obtaining tools and materials in London. Franklin's *Autobiography* does not explain that between the first promise and the embarkation, the would be patron's circumstances changed; the whole episode occurring in 1724, when a different turn of affairs might have caused a fulfilment. However, nothing justifies the expectation of help being kept before the trusting youth, and his being permitted even to sail to England upon the supposition that the equivalent for a bill of exchange was in the ship's bag. Thinking that a letter found therein addressed to Baskett, "King's printer," might be Keith's, Franklin presented it, but it turned out to be from Riddlesden, the lawyer, and the stationer handed it back, saying that Riddlesden was a rascal, with whom he would have nothing to do. The letter has not been preserved. The scheme against Hamilton, the lawyer, to which it is said to have referred, and in which Keith is said to have been concerned, may have had reference to Clark's house, as to which Keith appears to have turned against Hamilton, and as to which the Lord Chancellor of England subsequently deemed Hamilton in the wrong.

Keith, arriving in Philadelphia on May 31, 1717, was then duly proclaimed as Lieutenant-Governor. He took the oaths the next day. He was in the 38th year of his age, and, from his previous experiences which have been mentioned, may be said to have been more a man of the world than any of his predecessors except William Penn. The others had been in such circumstances as better enabled them to take a stand against the leaders of the Assembly, but, with no private fortune, and with a wife and five children, one born on the voyage, and a step-daughter, Ann Diggs, Keith was dependent for the support of his family upon what the office would yield. It was therefore his policy to ingratiate himself with everybody, and particularly with those from whom the money was to come.

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In the petition of his creditors against his removal, it is stated that he had expressly stipulated with the Proprietary—*i.e.* with Hannah Penn—not to have recourse to the latter for remuneration. However, Keith was allowed to retain the fees and fines he might receive, in which connection it is to be noted, that, in the various charges subsequently made against him, extortion of unusual fees does not figure, nor any demanding of money for an appointment. Certainly his first appointments were made with the consent of nearly everybody. French was put in the Council, Andrew Hamilton was made Attorney-General, and the first named of those presented at the election in 1717 was appointed Coroner in each of the Upper Counties. The Assembly, meeting in August 1717, showed friendliness by voting to Keith 500*l.*, and gave him also 50*l.* to pay his house rent for the ensuing year. In most years a liberal salary for a new colony was given to him. In May, 1719, Logan estimated as the only fees coming into the Governor's hands about 70*l.* annually for liquor licenses, which, with the perquisites complained of, but customary for years past, for granting ships registers and passes and "sometimes some other small incidents," added to the average salary from the Assembly, made the office worth annually 1000*l.*, which, Logan, in commendation, remarked, Keith spent "handsomely, no man in the Lieutenancy having so well supported the dignity of a Governor as he."

For a while, Keith gave general satisfaction. Almost his first act was to secure a unanimous vote from the Assembly of the Lower Counties expressing the wish, that, if the Penn title was defective, the King would cure the defects without suffering any one to take advantage of them. This, Keith forwarded to London, with a letter from himself arguing against a separation of those Counties from Pennsylvania.

It was to the interest of William Penn to have the

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British government carry out the agreement of purchase. Keith wrote, Sep. 24, 1717, to the Lords for Trade that he had found great plenty of iron ore, and hoped that they would promote any design offered for an iron manufactory, and hoped that the Crown would take dominion of the colony, and suggested that both sides of Delaware River and Bay, viz: West Jersey, Pennsylvania, and the Lower Counties, be brought under one government, the number of Quakers in West Jersey making such a union natural. He recommended free trade on equal footing by all the colonies with the Indians, peace always to be made for all the colonies with all Indians in friendship with any of them, and that forts be erected, one of them at the head of the Susquehanna, under the government of Pennsylvania, each fort to contain fifty men in the King's pay.

Gookin, out of office, renewed the charges of certain persons' disaffection towards the House of Hanover. Keith calling the attention of the Council to the charges, notified Gookin to appear on a certain day, and prove them. Brought to the point, Gookin appeared and retracted, expressing the belief that he was mistaken, and explaining that he had been very unwell, and his head had been affected. On being pressed as to whether directly or indirectly he knew anything in deed or words against the accused, he replied: "Nothing." The new Lieutenant-Governor asked if any member of the Board had any objection to taking this as a full acquittal, and the Councillors were glad enough to agree that it should be deemed such. Thus, perhaps by the boldness with which Keith faced it, a trouble was dissipated, the possible consequences of which were far reaching. Had the ex-Lieutenant-Governor persisted, had he embodied the accusation in an affidavit or a formal communication to the Assembly, the enemies of Logan might have carried an act for disqualifying him from holding office, which act Keith, with his ante-

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cedents, could not have dared to veto; while, had Gookin communicated the charges to certain persons in England, the British Ministry would have had good reason for taking the government away from William Penn without compensation, and perhaps the cupidity of royal favorites would have brought about, by bill of attainder, the confiscation of even his property in the soil.

The balance, after paying for the runaway servants, of the 2000*l.* voted in 1711 for the Queen's use, came very slowly into the hands of the Treasurer, Samuel Carpenter, who, for want of any depository, charged himself with the actual money, and paid it out in his private dealings, just as he did with the proceeds of the flour and wheat in which, at certain prices, the taxpayers had the option of paying. There was no longer any banking association, and he was expected to be the bank. In 1712, while the amount was still uncollected, the Council decided that it should not be paid to Mr. Trent, as requested by Governor Hunter of New York, but await the order directly from the Queen. Carpenter dying in 1714, his widow and executrix, Hannah Carpenter, was authorized, by an Act of May 28, 1715, to receive what was uncollected, and to pay over the proceeds of the tax in her hands as executrix, or coming into her hands. On Nov. 12, 1717, Keith asked the Councillors whether they agreed with him in the opinion that it was his duty to call for an account, and that the money would be most properly lodged in his hands, as, by the Act of Assembly, the receipt of the Lieutenant-Governor for the time being was the only legal discharge to the Treasurer. The Council agreed. Subsequently, a large sum was paid to Keith, and, as the equivalent of 500*l.*, there was conveyed to him by deed of March 5, 1718, from Andrew Hamilton, who had taken title from the executors, twelve hundred acres of land in Philadelphia County (in the present Horsham Township, Montgomery County), bounded on the north-

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east by Bucks County. Keith announced his intention of introducing there an extensive manufacture of grain, probably distilling, which he said would greatly benefit the Province. He built a dwelling house for himself, still standing, begun in 1721, and probably completed in 1722. From the subsequent ownership of the plantation by his stepson-in-law, Dr. Thomas Græme, it has been long known as "Græme Park." The sum, said to have been 1600*l.* in money and land, received from Carpenter's estate was not accounted for during Keith's term. It was not a credit against the Queen's right that he fitted out two sloops against pirates, and erected a battery of cannon. Against the statement in the *Just and Plain Vindication,* mentioned in the chapter on Paper Money, that he used a part for such public purposes, no allegation of their being paid for by the public with other money is made in the reply entitled *More Just.*

Piracy was common for a number of years after the war with France was ended by the treaty of Utrecht; and in October, 1717, six or seven vessels for or from Philadelphia were seized or plundered. Edward Teach (so called in our records, but Thatch or Thach by others), traditionally renowned as Blackbeard, who, as mate of a vessel from Jamaica, had visited Philadelphia about 1714 or 1715, had become captain of a piratical crew, and was at this time in Delaware Bay. He threatened to attack Philadelphia, when his consort vessel should arrive. However, Teach sailed off, but, meanwhile or later, had intercourse with the shore, he and probably some of his companions landing, and making their way peaceably to various places up the river, even to Philadelphia. On Nov. 12, 1717, Lt. Gov. Keith obtained the Council's agreement to a proclamation offering a reward for the discovery of any pirates or persons assisting pirates, with a promise of endeavor to obtain pardon for such pirates as would appear, and

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lead to the conviction of others. A royal proclamation having offered pardon to pirates surrendering themselves before September 6, 1718, several persons appeared before the Lieutenant-Governor in February preceding, and were allowed freedom conditioned on future good behavior. Teach was mentioned by the Lieutenant-Governor to the Council in August, 1718, as reported to be then in the city. The amount spent on the two sloops sent to the Capes in pursuit of the pirates, was shown to the Council on Oct. 17, to have been about 90*l.* up to that date. The Councillors thought that the same ought to be defrayed by the public. The sloops appear to have been commanded by Captain Raymond and Captain Naylor, but not to have overhauled the marauders. With the supposed connivance of Gov. Eden of North Carolina, Teach established his base up a creek in that province too shallow for the British frigates. Two sloops from those in the James went up, and, on Nov. 22, made an attack, and, while one sloop was sunk, Robert Maynard, in command of the other, boarded Teach's boat, and shot him dead. Having thus dispersed the gang, and taken some prisoners, Maynard sailed back, with Blackbeard's head attached to the bowsprit.

Keith, himself no lawyer, expressed, on Feb. 11, 1717–18, dissatisfaction with the practice of issuing judicial commissions in the acting Governor's name, and raised the question whether they should not in future be issued in the King's name. The majority of the Councillors—Assheton, the only lawyer, probably guiding them—reasoned that the King could grant permission to subjects to remove into any strange land upon such conditions as he might prescribe, that the laws of England could not accompany subjects so as to extend to lands settled by other races, like America, unless by some regular method such laws were so extended, that Charles II extended only the laws necessary for peace

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and safety until changed under the powers conferred upon the Proprietary and his People, that the royal prerogative was not so extended, but only the King's sovereignty preserved, that a distinction was to be made between commissions and writs, which had been made to run in the King's name, in conformity with the practice of English law which it had been thought proper in some measure to introduce, and that, as the Proprietary could even appoint the Judges and Justices without issuing any commission, so he could do so by commission in his own name, that being, moreover, the practice in Carolina and Maryland. Keith yielded, and it was ordered that the commissions be issued in the Proprietary's name, and tested by the acting Governor.

The friendship of the Assembly was, however, bought at the cost of a quarrel with the Council. The Lieutenant-Governor determined not to be controlled by the latter in legislation, and served notice to this effect on February 22, 1717–8. The Assembly was about to take a long adjournment, having passed a number of bills, including one levying a duty for three years on wines and rum or other spirits sold in less quantity than a gallon, out of the total proceeds of which duty the Lieutenant-Governor was to receive 800*l*. Obstruction in Council at similar times of measures much desired by the People's representatives had, as we have seen, clogged the government, and might on this day put off the raising of money for its support. On that morning, a bill for the more effectual raising of county levies being then before the Board, he asked that any gentleman who had substantial objections to the bill would either then have his dissent and reasons therefor entered upon the minutes, or afterwards give the reasons, and the Lieutenant-Governor added very ominously, that, if he should find himself under the necessity to pass the present or any other bill contrary to the majority of the opinions of the Board, he would

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likewise insert his reasons in the minutes. In the afternoon, two more bills being laid before the Board, it was moved that they should be read for the Councillors to speak upon them, as had been done to other engrossed bills, as the Assembly was expecting to be summoned for the final enactment by the Lieutenant-Governor of the laws subjected to his amendments. Several Councillors stood up, and expressed dissatisfaction at the shortness of time given to them to offer amendments, and desired leave to withdraw, lest their presence at the passing of a bill without amendment should be construed as assent to it. The Governor then put the question to each present, remain or withdraw? Logan, Hill, Norris, and Dickinson withdrew; Preston, Palmer, and Assheton remained. The Assembly was sent for, and a number of bills became laws, including the aforesaid act placing a duty on retailed liquors, and the aforesaid act relating to the county levies. Various taxes were imposed or so imposed in accordance with some public policy independent of revenue. Direct importation from Great Britain or the place of growth was to be encouraged, and retaliation made for duties imposed by New York or Maryland on Pennsylvanians' goods, by the liability to ten per cent. *ad valorem* of goods brought from New York or Maryland, or by way of New Jersey or the Lower Counties, except goods by way of New York or Maryland, not purchased there; for three years, Madeira wine, Fayal wine, liquors, cider, hops, and flax imported were to pay duties varying according to whether in vessels owned by Pennsylvanians, or directly from place of growth, &c.; for three years, tonnage was to be paid on all vessels bringing goods, unless the majority of the owners of the vessel were Pennsylvanians; the duty on negroes imported for sale was continued for three years. As laws were only required to be submitted to the Crown within five years after being passed, these temporary

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ones appear never to have been submitted, and this method of imposing a duty without consent of the King was followed in a later act continuing the negro duty and other duties until May 14, 1722, and in an act of May 12, 1722, for imposing a similar duty on negroes imported between May 13, 1722, and May 13, 1725. On Feb. 22, 1717–8, moreover, workhouses were provided for in the respective counties; but the most important act was that concerning *feme sole* traders, the basis of the Province's and Commonwealth's law on the subject, allowing the wives of absent husbands to carry on business, and sue and be sued in connection therewith, as if singlewomen.

Learning of the dire results of Gookin's construction of the Act of Parliament on the subject of Quaker testimony, Keith determined to vindicate the Provincial laws, and have justice meted out to the murderers of Hayes at the hands of the Supreme Court, composed of Lloyd as Chief Justice, who was unable to administer an oath, and Yeates, Hill, and Trent, among whom Hill was similarly scrupulous. Four persons were indicted, two of them and presumably the others by a grand jury seventeen members of which were qualified by affirmation. The four were put on trial at Chester, the Lieutenant-Governor giving direct and public countenance to the proceedings by attending the court, and making a speech. More than twelve hundred persons were present. By a jury of which eight were upon affirmation, under one or other of the two acts for qualifying of Quakers passed on May 28, 1715, two of the accused were found guilty. They were sentenced to death, and, although they asked for a reprieve to appeal to England, both were hung. This enforcement of Quaker authority by a Churchman—as to this Lieutenant-Governor's religion, see the chapter on the Church of England—established his popularity. Although Logan, Hill, Norris, and Dickinson had de-

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livered to Keith a paper arguing that he must not enact laws without the Council's approval, the Councillors accepted the situation for the time being. In joy at the passing of Gookin, it seemed as if an era of good feeling had begun, in which the Delawarean and the Pennsylvanian, the Quaker and the Churchman, David Lloyd and Penn's representative were, as the lion and the lamb in the prophecy, to lie down together.

The most reprehensible deed of this Lieutenant-Governor was that upon which Bolles alone of our historians has descanted, the reenactment of various English statutes punishing with death a number of crimes less than murder; but of this inhumanity, religious men who would not shed blood in battle for their country were equally guilty. They were concerned—we will not say that Quakers were "excited"—over a representation to Great Britain about the trial in Chester County having been carried on without requiring corporal oaths, and, although the Lieutenant-Governor told them that he had taken steps to make such representation innocuous, they listened to his suggestion to make their penal code conform to that of England, when, or as the price of, or as giving an opportunity for, securing from the Crown the authorization of the affirmation in judicial proceedings. Therefore, synchronously with the last days of William Penn, they reversed the steps which they had taken with him along the line of justly proportioned punishments, and arranged to destroy the lives of minor criminals according to the merciless laws of Tudors or Stuarts. The Act of Assembly, miscalled "An Act for the Advancement of Justice and more certain Administration thereof," and passed May 31, 1718, was prepared by Lloyd under resolution of the House; and, although the *Votes of Assembly* do not record the passing of the bill unanimously, it could not have passed without Quaker votes. The minutes of the

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Governor's Council note that that body suggested some amendments, but do not show any radical opposition from Hill, Logan, Norris, Preston, or Dickinson.

The Act recited that by King Charles's Charter the laws of property, and as to felonies, were to be the same as by the general course of the law of England until altered by the Proprietary and his freemen, and that it was a settled point, that, as the common law was the birthright of English subjects, so it ought to be their rule in British dominions, but Acts of Parliament had been adjudged not to extend to the colonies, unless they were particularly named in such Acts. Therefore it was provided that all inquests and trials of high treason should be according to the common law, observing the directions of the statute laws of Great Britain on the subject, and that all inquiries and trials of the crimes or misprisions made capital by the Act itself or any other Act of Assembly should be according to certain directions, among others, allowing to the defence challenges of the jurors, legal counsel, process for witnesses, and the same oath or affirmation for the witnesses as for the prosecution's witnesses,—all so far for securing justice for the accused,—also treating as if a conviction the standing mute, the not answering directly, or the peremptory challenging of more than twenty of the panel. There was then added the sweeping provision that the laws of Great Britain, or of that part called England, in force at the passage of the Act, or in force in future, should be followed in the punishment.

By Penn and his Deputies in the days of Penn's mental competency, high treason had been left to the common law. The present author is not sure of any case of it having been tried in Penn's dominions in his time, although jurisdiction over it had been given to certain courts; and so with petit treason. Wilful and deliberate murder was the only crime for which his statutes ordered a white person to be put to death: even the com-

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passing of the Proprietary's death was to be punished only by forfeiture and a year's imprisonment. It is a blot upon Penn's legislation, and may have resulted from pressure by the reactionaries of 1700, that, by the law passed in that year, the life of a negro was to be destroyed not only for a certain crime with animals, and for rape upon a white woman, but also for burglary. Soon after that law had been reenacted by Lieutenant-Governor Evans, certain negroes, who were slaves, were sentenced to death for burglary. Regard for property rights, including that to a man's labor, intervened, however, where mercy had no more influenced Quaker legislators than she does militarists. As there was no provision, such as in other colonies, to compensate masters for so losing the slaves' labor, the punishment was commuted, to allow the master of these negroes to dispose of them in some other province, while, awaiting the transportation, the negroes were to lie in prison in irons at the master's expense, but first, on three successive market days, they were to be led from the market place (near 2nd and Market) up Second Street, and down through Front Street to the bridge, with arms extended and tied to a pole across their necks, a cart going before them, and they were to be whipped all the way on their bare backs and shoulders.

There had taken place an amelioration in the English law for punishing capital crimes: the immunity whereby a clergyman's life was spared, had been extended to all upon the first offence who, by showing that they could read, could be presumed to be in holy orders, and even to women, the guilty laymen being usually branded, and any guilty person remaining in prison for not more than a year. This "benefit of clergy" was made a feature of the Province's penal law by the Act in question, with the modification that the convict need not read, and the branding be on the left thumb, M for murder, T for other felony.

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This law of 1718 made certain crimes punishable by death without benefit of clergy, such as maiming purposely, and with malice aforethought, or counselling, aiding, or abetting such deed, the breaking into a dwelling house at night in even an unsuccessful attempt to commit murder or other felony, and the burning of a house, barn, stable, or even outhouse, if it had hay or corn in it. The statute passed against stabbing in 1 James I, cap. 8, entitled "an Act to take away the benefit of clergy for some kind of manslaughter," and the statute of 1 James I, cap. 12, to the same effect against witchcraft, were extended to Pennsylvania. The early laws of the dual colony had taken away capital punishment for certain unnatural crimes, rape, and robbery. Repeal had left some of these at different times to the common law, but as the code stood for some years prior to the passage of the Act of 1718 the penalty for white persons did not go beyond whipping, branding, or life imprisonment. By this Act, the punishment was to be according to the statutes in force in Great Britain, which prescribed death without the clerical privilege; so that a man was to be killed even for assaulting a person on or near the highway, putting him in fear, and taking away money or goods of any value whatsoever, and even for counselling, aiding, "comforting," or abetting the perpetrators. The Pennsylvanians, nevertheless, stopped before making any other kind of stealing punishable with death, and let fines, forfeitures, restitution, and whipping suffice for the first and later offence.

The privileges of the Quakers secured by this Act were those which had not yet been confirmed by the Crown's approval of the Act of May 28, 1715, and which, although that Act appears to have embraced all cases, were now specified, viz: that the inquiry, hearing, trial, and determination of all crimes and offences and matters and causes, should be by Judges, juries, inquests,

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and witnesses qualifying themselves, according to their conscientious persuasion, either by oath or the affirmation allowed by Act of Parliament to those called Quakers in England. Not even was the affirmation formerly desired by the radical Quakers made sufficient.

This, however, was done by an act of 1724, which remained in force. On May 26, 1719, the Act of May 31, 1718, was confirmed by the Regents of Great Britain.

Following proposal by Keith, after hearing of the Crown's repeal of the laws of 1715 for courts, the Assembly resolved that the Governor be desired to open and hold a Court of Equity for the Province with the assistance of such of his Council as he should think fit, except those who had heard the same case in an inferior court. The Council adopted the suggestion, and, at the Governor's desire, established that as often as he should sit in Chancery he should be attended by all the Councillors in or near Philadelphia, and that there should be no decree made but by him as Chancellor with the concurrence of two at least of the six eldest Councillors, and that any one of the six might be employed by him as Master in Chancery. Accordingly, on Aug. 25, 1720, this court was established. Keith had not been prepared for the profession of law, nor had any of the six eldest Councillors. We shall see that the Court lasted under this and the next Lieutenant until 1736. It was the only separate equity tribunal which ever existed in Pennsylvania, the courts of law before and since being authorized to exercise equity jurisdiction, and some kinds of equitable relief being secured through a method of using common law forms, but the foreclosure of mortgages being by a proceeding under the Act of 1705 upon the common law writ of *scire facias*.

In the Lower Counties also, the aforesaid law as to crimes was in substance enacted; and the Court of Chancery had jurisdiction.

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CHAPTER XIX.

The Irish and their Kirk.

The Southern Indians—Few whites west of the lower Pequea before 1719—Plight of the Indians on the lower Susquehanna and near the Potomac —Great quit claim by the Delawares—Pennsylvania Indians told not to aid the Five Nations—Arrival of the Scotch-Irish—The Tennent family —William Tennent Jr.'s vision—Origin and religion of the new immigrants, and prevailing cause for leaving Ireland — Pennsylvania government wishes its Indians not to die off—The Cayuga claim to the Susquehanna—Pennsylvania raises a militia —The Irish sent to Donegal for defence—Keith makes peace for the Pennsylvania Indians with those of Virginia—The Five Nations become reasonable—Pennsylvania coerces whites offending Indians—A Seneca killed—Treaty of Albany—Ratification of Virginia's proposals—Overwhelming continuation of Irish immigration—Provides the rural free labor, and protects the Penn boundary claim—New Presbyterian places of worship and congregations—Theological and ecclesiastical attitude and influence of Scotch and Irish ministers—Synods of 1733 and 1734 take up question of personal religion—Hemphill—Further examination of those ordained in Ireland *sine titulo*—Question of college education—New Brunswick Presbytery is established, and disobeys the Synod —Whitefield and Gilbert Tennent oppose majority of Presbyterian ministers—The split into "Old Side" and "New Side"—The academy in Chester County, afterwards at Newark, Delaware.

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The homes of the Shawnees, Ganawese, Delawares, and Mingoes on the slopes of the lower Susquehanna, and their hunting-grounds over the crest towards the Potomac, lay between the country proper of the Five Nations and that of the Southern Indians, so as to be unsafe during the wars between those rivals. At the southernmost end of the British possessions was the powerful tribe known to us as the Cherokees, of Iroquoian stock, who, calling themselves Tsalegi or Tsaragi, have been identified with the Alligewi, mentioned in the tradition of the Lenni Lenape as driven by the latter from Pennsylvania. The great mountain range of the Alleghanies perpetuates the name of these early owners. Between, however, this tribe in its XVIIIth Century location and the Potomac were the Southern Indians with whom we are now concerned. They were mostly of a different stock than Iroquoian or Algonquian, being now called Siouan after their kindred the Sioux, and, while all called Tuteloes by the Iroquois, were mainly in two great tribes, the Catawbas and the Tuteloes proper with the latter's close kindred the Saponi.

On the aforesaid frontier of Pennsylvania, we hear of no injuries at first to the persons or property of white men, of whom, besides those trading with the Indians, only a few stragglers were seating themselves as far west as the lower Pequea before 1719. Most of these pioneers had previously lived in the more thickly settled part of the dominion, and most appear to have been Quakers. The earliest warrant affecting the region in question issued in a decidedly Scotch name, and perhaps for a Scotch Irishman, was dated 4 mo. 12, 1717, for surveying 200 acres at Conestoga for Colum Macnair, or, as the Penn accounts call his surname, Macquare, late of West Jersey.

The Indians of the region suffered not merely as neutrals might have done, but as allies of the Five

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Nations; for, when the warriors of the latter passed through the tributaries' villages, and appealed to the savages' passion for fighting, or reproached the younger men for want of spirit, recruits were obtained. Not these alone met with casualities, but the non-combatants at home were thus confounded by the enemy with the nations that had sent out the expeditions. By the disgraceful policy of enlisting Indians against Indians, the Five Nations were induced to take up the hatchet in alliance with the government of Virginia against the Catawbas. After the Lieutenant-Governor of that colony, Alexander Spotswood, had entered into peace negotiations with the Catawbas, an advanced body of Mohawks and Senecas, ignorant of this, and bent upon revenging a murder of ambassadors, attacked near Fort Christianna in Virginia, on April 10, 1717, some Catawbas who had surrendered their firearms, and given hostages. Six Catawbas were killed, and two carried off to the Mohawk country. Soon afterwards, an innocent Pennsylvania Indian, son of Owechela, the Delaware, while hunting beyond the furthermost branch of the Potomac, was murdered and decapitated by Virginia Indians accompanying a small troop of Virginia horsemen. This took place while Keith was on the ocean, coming to take the government of Pennsylvania. It is not asserted, but it would appear, that the cavalcade was the escort of Capt. Christopher Smith, who had been sent to the Five Nations by Lieut. Gov. Spotswood to inquire into the attack upon the disarmed Catawbas, to recover the prisoners, and to ask for an embassy to come to Virginia to make a treaty of peace. The Pennsylvania Indians about the Conestoga sent word to Philadelphia, not certain of the nationality of the white horsemen, and therefore alarmed at the possibility of destruction by an adverse European nation. The Mingoes, for the others, told Lieutenant-Governor Keith,

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who met them at Conestoga on July 18, 1717, that, if such whites were English, they, the Mingoes, Delawares, Shawnees, and Ganawese, would inquire no further.

To Conestoga then also repaired Capt. Smith, who was on his way homeward, having received at Albany the promise of the Five Nations not to attack the Virginians or their friends, but having to report objection by the Five Nations to any treaty of peace being made elsewhere than at Albany. He had heard that Shawnees were participants in the attack upon the Catawbas, and he now asked to be allowed to treat with the Shawnees represented at Conestoga. Keith was told by the Shawnees in attendance that six Shawnees, who lived much higher up the Susquehanna, had been with the attacking party, but had stopped at a creek, and knew nothing until the Iroquois, eighteen in number, had returned with prisoners; nor did the Shawnees know anything about certain other hostilities committed in Virginia, and the only prisoner they had belonging to any tribe in amity with Virginia was a Catawba taken as a small lad, who had forgotten his native language, but who would be returned, if the King of the Catawbas would come, and make peace. Keith told Capt. Smith that he did not think it necessary or useful that anybody should treat with the Indians except the Governors of the provinces to which they respectively belonged; however, he would attempt to make any reasonable treaty for the benefit of the Indians of Virginia that Governor Spotswood would suggest. Keith reminded the chiefs that all the colonies from New England to South Carolina, both inclusive, were subject to the great King and Emperor of the English, so when any of these colonies made a treaty of friendship with Indians, it was made for the benefit of all the colonies, and of all the Indians in league with any of them. Accordingly, he explained,

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that any injury done to the Indians who were in friendship with another English colony, was a breach of the friendship with Pennsylvania; while, if any injury were done by other Indians to those of Pennsylvania, its government would seek for satisfaction from the colony to which those Indians belonged. A few presents were given to the chiefs at the meeting, who one by one then took Gov. Keith by the hand, in testimony of agreement to observe former friendship with the government, and not to molest any English government, or to make war upon Indians in friendship therewith, but, in all cases of danger, to advise with the government of Pennsylvania; and, if any mischief were done by Indians to the English, or vice versa, for both parties to meet in good will for acknowledgment of mistake and satisfaction for wrong. This handshaking of the sachems was sincere on their part, was consistent with the behavior of the Ganawese before and afterwards, and represented the feeling of the majority of the members of the other tribes connected with the Province, but, of course, was not enough to keep every individual savage from yielding to the temptation of bloodshed and booty, or to the threatening reproaches of the mighty northern warriors, claiming vassals.

The war was continued by the Five Nations. In alarm at the arrival of five hundred braves at the upper part of the Susquehanna, Spotswood visited Governor Hunter at New York in the Fall of 1717, accompanied by Keith, but refused to bring a deputation to Albany for a meeting with the Indians, unless it should be previously arranged for the treaty to stipulate that the Indians north of the Potomac should not cross that river, or go east of the mountains to the south of it. The five hundred had promised to turn off to the west, and fight a tribe six hundred miles from the English settlements, but, instead of doing this, proceeded to the Catawba country, and carried on a long campaign. In

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the following Spring, certain Pennsylvania Indians, among whom was Civility, the Conestoga war captain, were intending to follow the war path, but, upon receiving a letter from Keith, desisted. The Indians at Conestoga expressed a willingness to move away, but the Pennsylvania officials, to keep them near, persuaded them to remain, and ran a line around the land they occupied, excluding all whites but John Cartlidge, who was to be caretaker, and fencing the Indians' corn fields. Civility with other Conestogas, also Methawennah, chief of the Shawnees above Conestoga, George, sent to represent the Ganawese, and Checohinican, who had moved from the Brandywine to the Susquehanna, came in June. They presented their new King, under name of Oneshanayan, and called attention to the great quantity of rum brought by persons with no fixed settlements, and gave notice of an intention to hunt the following Winter towards the Potomac, if agreeable to the Pennsylvania government. They asked that lines be also placed at the distance of four miles from the Susquehanna River around the Shawnee and Ganawese settlements. This was probably done.

At this time, the Delawares had an idea that the lands bought from them, or rather from their ancestors, had never been paid for. Accordingly in September, 1718, Sassoonan, the King, and Metashichay, Aiyamackan, Gheltypeneeman, and Opekasset, chiefs, came down to Philadelphia, and made demand. The old deeds were shown to them, with the other receipts signed, and a couple of guns and some coats, blankets, and kettles were presented, and the visitors acknowledged themselves mistaken, and executed a release, dated Sep. 17, 1718, of all the lands owned by their ancestors and predecessors between the Delaware and Susquehanna Rivers from Duck Creek to "the mountains on this side Lechay." Lieutenant-Governor Keith and some of his Councillors and some Indians,

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including Sam, a son of Essepenaike (see chapter on the Red Neighbours), witnessed the signatures: and when Pokehais and Pepawmamen, also parties to the release, appeared, and made their marks to it, Logan was one of the witnesses.

Some members of the tribes represented at the meeting in June, at least some Shawnees, took up the hatchet: to those shamed or cajoled into doing so, it mattered not that their tribes had been formerly in friendship with the Southern Indians, particularly the Tuteloes, and that lately nine belts of wampum had come for a continuance of the league. It is inferable from John French's speech at Conestoga in June, 1719, that some Pennsylvania Indians had rather recently been guilty of, or spectators of, torturing a prisoner to death. In the Spring of 1719, near the head of the Potomac, southern Indians, apparently Tuteloes, killed ten Mingoes, who may have been innocent hunters, and two Shawnees, who had gone to fight. The terrified Indians on the Susquehanna sent a letter to Philadelphia, acknowledging mistakes and errors, and promising to obey the Governor. The five hundred Iroquois returning home, after threats to come back in greater force, a body of them stopped at Conoy Town in Pennsylvania on May 20, 1719, exhibiting fifteen natives of Virginia, whom they were carrying away as prisoners, and refusing the request of Cartlidge for their release. The declaration was made that a free passage through the English plantations to and fro was expected for warlike purposes by the Five Nations. Col. French was sent to Conestoga, and communicated an offer from the Lieutenant-Governor to notify all the English Governors and, through them, the Indians connected with them, that the Pennsylvania Indians would be peaceable, and a further offer to have the aggressors in the matter of the killing of the Mingoes and Shawnees forbidden to act so any more. At the same time,

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the Pennsylvania Indians were told that they must have nothing to do with the Five Nations going to war, or returning, and must not even entertain any of the chiefs, and must notify the Governor of Pennsylvania of any prisoner, for the putting of such to death would not be tolerated. Civility and Canatowa, Queen of the Mingoes, Sevana, King of the Shawnees, Wightomina, King of the Delawares, and Wininchack, King of the Canawages (Conewagoes, or Ganawese), declared agreement to this, and that they would advise their young people ever to be mindful of it.

In proximity to these Indians there probably came in that Summer, and there undoubtedly settled no later than the Fall of 1719, members of that great race, which, spreading from Pennsylvania over "the South-West," may be said with a varying degree of accuracy to have given to the United States three things of different value, viz: whiskey, the Presbyterian Church, and independence of Great Britain. The account books of the agents of the Penns show that by 9mo. 6, 1719, James Mitchell had taken 500 acres near Susquehanna, George Steward 200 acres, Arthur Park 300 acres, and Patrick Campbell 100 acres, and that Steward, as soon afterwards as 11mo. 6, paid half the cost of his purchase. As far as known, these four came directly from Ireland, not having settled in any other part of America, and they were probably the most substantial of a large number of Ulstermen who disembarked at Philadelphia or, more probably, New Castle in that year, some of whom advanced into the forest, others worked for planters nearer the ports, and some doubtless were among the "people lately come from Ireland settled about the branches of Elk River," mentioned in the records of New Castle Presbytery for 1720. James Galbreith (Galbraith) "late of Ireland" is charged in 1720 for 100 acres to be laid out near Susquehanna.

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Although we may date the large and continuous immigration as beginning in 1719, there were already persons of the same birthplace, ancestry, and religion east of the Pequea: so that the entire region west of the Brandywine in dispute between the Lords Baltimore and the Penns, and ultimately yielded to the latter, may be called the American cradle of the race. Charles A. Hanna, in his voluminous work *The Scotch-Irish or the Scot in North Britain, North Ireland, and North America,* tells of some Scotch-Irish, who had settled under Maryland title, organizing in 1708 the Presbyterian congregation known as "Head of Christina," with house of worship in the little point of land until recently between the eastern line of Maryland and the curve of Delaware. At the shipping ports, or in the towns, there were some Scotch-Irish engaged in mercantile or mechanical career: but we are concerned only with the agriculturists, remaining a people by itself.

A family generally resident at the older settlements, but which has been to Presbyterianism almost what the Muhlenbergs have been to Lutheranism, came to Philadelphia in September, 1718. The Rev. William Tennent had been born in Ireland in 1673, made deacon by the Bp. of Down in 1704, and priest in 1706, and, after being, it is said, chaplain to a nobleman, had lost or failed to get a church living, because, as is indefinitely stated, Tennent "could not conscientiously conform to the terms imposed on the clergy of that kingdom." Tennent had married, before taking orders, a daughter of Rev. Gilbert Kennedy, then deceased, who had been ejected from a charge at Girvan, Ayrshire, had become minister at Dundonald, Ireland, and been imprisoned by Bp. Boyle of Down. On the mother's side, Tennent was a cousin of James Logan of Philadelphia, and, possibly for that reason, sought occupation there, bringing over wife and children, and being hospitably received by Logan. Tennent applied to the

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Presbyterian Synod to be received as a minister of that denomination. His reasons for separating from the Church which had ordained him being asked in writing, he gave as the chief that the Church of Ireland connived "at Arminian doctrines." In this connection, we recall the description of that Church's mother or elder sister, the Church of England, as having a Romish liturgy, a Calvinistic theology, and an Arminian clergy. Tennent was admitted by the Presbyterians on Sep. 17, 1718, and, with much pointedness, seriously exhorted to remain steadfast. After laboring in the province of New York, he, in 1721, began to preach at Bensalem, the Dutch settlement, from which he was called in 1726 to Neshaminy. On going there, he began to give instruction in classics and theology not only to his sons, but also to others who wished to enter the ministry. Logan in 1728 presented to him fifty acres of land not far from the present Hartsville for a residence; and, within a few steps from the dwelling house, Tennent built a log school house for this higher education.

He and his sons, the latter at least having undergone a great concern for their salvation, and feeling a great assurance, were working to convict of a sense of sin, and of dependence on God's mercy, before the arrival of Whitefield. Gilbert, the eldest, was minister at New Brunswick. John, the third, died in 1732, minister of a congregation of Scotchmen at Freehold. Charles, the fourth, was minister at White Clay. William, the second son, who succeeded John at Freehold, had a singular experience of the same nature as Dr. De Benneville's (see chapter on the Germans). Tennent's was told by him to certain persons whose testimony is given in Rev. Dr. Archibald Alexander's *Biographical Sketches of the Founder and Principal Alumni of the Log College.* Overstudy had brought young Tennent near a dying condition, when, becoming

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alarmed as to his soul, he fainted, while talking with his oldest brother, and was supposed dead. The funeral was about to take place, when the physician noticed some sign of life. When, a second time, preparations had been made for a funeral, Tennent opened his eyes, gave a groan, and again apparently expired. This was repeated, but in an hour or so he completely revived; yet it was only after months that he was physically well, and then with total forgetfulness of the past, so that he began his studies over again. Suddenly his memory returned. His statement was,—and of this he never lost memory,—that, while conversing with his brother, he found himself, as he thought, in heaven, and saw, not God in shape, but glory unspeakable, and multitudes before it, singing, until some one said "You must go back." While asking "Lord, must I go back?" Tennent found himself again in the world.

The Irish of colonial Pennsylvania, except a few called Papists, were not the old Irish, originally Milesian, or even the Norman English, sprung from the Normans within the English Pale, who, in the course of centuries, had largely become "more Irish than the [Milesian] Irish," and who also were Roman Catholics. The race which for many years of the period of these Chronicles poured from Ireland into Pennsylvania, came from Ulster, and, through Ulster, partly from Saxon England, but predominantly from the lowlands of Scotland; so that the more modern term "Scotch-Irish" is more accurate. Some persons of the same race had been converted to Quakerism, and settled in Chester County before their kindred, and are to be distinguished from them, being, by religion and contemporaneous immigration to Pennsylvania, rather closely united with the English Quakers. Quite a number of the Quakers who came to the shores of the Delaware had been residents of Ireland, but either had been born in England, or were the children of those who

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participated in the Cromwellian settlement, or of those who came later from England to engage in trade.

Despite the arbitrary and cruel laws and administrative measures to impose upon the inhabitants of Ireland the worship and ecclesiastical regulations of England, not only had the Pope retained impregnably his hold upon the majority, but the Presbyterian system, which ultimately triumphed in Scotland, had spread over many of the Protestants. Yet the Church of Ireland established by law, Protestant and Episcopal, had a large following, from possession of edifices and revenues, and from the influence of the nobility, and of almost all the gentry. In our own day, prior to the disestablishment of this Church, after the long cessation of persecution for its benefit, and, to be sure, after the Presbyterians have so largely emigrated, the Episcopalians have numbered, if they do not now, the great plurality among the Protestants. The Rev. George Walker, acclaimed as the hero of Londonderry's defence, was a clergyman of the Established Church, and so were eighteen of the other defenders, the Conformist and Non-Conformist refugees using the cathedral at different hours. Similarly, doubtless, attendants of the parish church at Enniskillen, and of neighbouring parish churches, helped to hold that town. Probably there were some Episcopalians among the Irish who came to Pennsylvania, but such, if they settled in those rural parts taken up by their non-Quaker Protestant countrymen, seem to have worshipped with them. The great majority of the non-Quaker Irish immigrants, as seems natural to people affiliated so closely with Scotland, were Presbyterians, former adherents of the Synod of Ulster. Their forefathers had set up the standard of the Westminster Confession. The Synod had, in 1698, reaffirmed it, unanimously directing that all candidates for the ministry, before being licensed, should subscribe the

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said Confession; and the Synod had, in 1705, required such a declaration of faith, and a promise to adhere to the doctrine, discipline, and government contained in said Confession from not only future licentiates, but present licentiates who had not subscribed; and this requirement had been at once complied with.

Besides the conditions and events destructive of the general prosperity of Ireland, such as the numerous wars, the drain of money by absentees, and the commercial dependence upon England, particularly felt in the shrinking of the woolen trade, there were causes for the emigration of the very classes of the population which came to America in the latter half of the XVIIth Century and earlier half of the XVIIIth. The island has a hard climate for those poor who till the ground, and look directly to it for a living: there had, in the XVIIth Century, been several risings to massacre all Protestants: and, for a long period before the date closing this history, there was at first coercion of all who dissented from the theologians at the time on top, and afterwards discrimination against all Presbyterians who had any ambition. The Irish settlers with whom we are concerned, however, had not been driven from the "Old Country" by penal laws concerning religion. Hardly any came before those laws were a dead letter, and, almost contemporaneously with the beginning of the great immigration, the Parliament of Ireland formally, by Act of 6 Geo. I, c. 5, relieved Protestants from the requirement under the Act of 2 Eliz. to attend service where the Book of Common Prayer was used. The Act furthermore relieved dissenters in holy orders or pretended holy orders, and preachers or teachers of dissenting Protestants, from the penalty of £100 for administering the Lord's Supper. The only condition imposed for this toleration did not interfere with the kind of preachers who came to Pennsylvania, viz: that they should not deny

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the doctrine of the Trinity as stated in the Thirty-Nine Articles, and that they should take or make the oath of allegiance, and declarations, as in the statutes of England, against jurisdiction of foreign princes and ecclesiastics, against the effect of papal excommunication, against transubstantiation and invocation of the saints, and in favor of George I and the Protestant succession. Moreover Non-Conformist preachers were, since 1715, receiving a small stipend from the Crown, called *Regium Donum*.

Although the beginning of Rev. Richard Webster's *History of the Presbyterian Church in America* is full of the tyrannical conduct of royal officials and Anglican clergymen, the author in due course tells us, however, that the immediate cause of the large emigration from the North of Ireland, which began, he says, about 1717, and, year after year, flowed into several colonies, including Delaware, Pennsylvania, and Maryland, is supposed to have been the refusal to renew the leases to the tenants on the old terms, or on any terms which they judged reasonable. It is said by Rev. Dr. William Blackwood, in his introduction to the aforesaid book, that many landlords exacted a higher rental from Presbyterians than from Episcopalians, and if any Presbyterian tenants joined the Established Church, their rents were reduced! Perhaps we should commend any landlords of Ireland whose zeal carried them to such foregoing of the shillings. It is also explained, that, after the Revolution, the landlords had granted leases mostly for thirty-one years; so that, after the tenants and subtenants had, by building and cultivation, made the property more valuable, they were turned off, unless they would pay the interest on that higher value. The expiration of these leases between 1720 and 1730 meant the depression or exodus of the middle class. An industrious man or one with a few pounds more than the passage money, could in

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America, and particularly in Pennsylvania, be the owner in fee simple of a piece of good soil.

That the Indians of New York and the upper region of the Susquehanna in military expeditions crossed the Potomac east of the Blue Ridge, caused all the losses inflicted in pursuit of them to the borne by the Indians controlled by Pennsylvania, although few of the latter had been guilty of any overt acts. The result would have been the same, if all of them had remained neutral. It seemed as if, with the cunning and treachery as natural to the Five Nations as great bravery, their retreating bands chose the path through the Indian settlements on the Susquehanna with the very design of diverting to their tributaries the bloodthirsty attention of the pursuing enemy. The Lieutenant-Governor and Councillors of Pennsylvania, far from contemplating with satisfaction the possible extermination of their Indians, were imbued with humane feelings, and endeavored to guide them to peace, and, as far as possible, to Quaker non-resistance, as the best way to save them from sufferings, and to increase their numbers. Very likely there was a worldly wise appreciation that the Indians were a necessity: they did the hunting, which may be called one of the great industries of the Province; and they were an obstruction to inimical invaders white or red.

For fear of the transfer of trade and fighting strength to Canada, court very obsequious continued to be paid by the English, and particularly by the colony of New York, to the Long House at Onondaga down to the close of the French and Indian War, even after the Southern Indians had become numerically more worthy of notice. Albany being the usual place for conferences with Northern Governors, and Lord Howard of Effingham having gone there in 1684, those who managed Indian affairs for New York saw nothing unreasonable in the requirement that Virginia

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Governors should take the journey of several hundred miles away from their province to dance attendance upon the arrogant sachems, who, it was said, would go themselves great distances to treat with Indians.

After several incursions into Virginia by the Five Nations, the government of New York actually forwarded the complaint of their sachems that they thought themselves slighted by the governments to the southward of that province. In a letter to Keith, giving an account of the conference with the sachems, the President and Council of New York, remarking that this might be of serious consequence, said that an immediate answer was expected. The government of Pennsylvania sent a reply about March 3, 1719, which is omitted from the minutes of the Provincial Council, although Spotswood's answer appears there in full.

On 3mo. 16, 1720, Keith, sending to the Assembly some minutes of the Council and a copy of a letter from him to the Governor of New York, announced his own intention, in concern for the present defenceless condition of the colony, to endeavor to raise a voluntary militia, adding "and I hope my care in so essential a point can not be disagreeable to you." The answer, drawn up by Norris and Clement Plumsted, was a craving of "leave to observe that whereas the majority of the inhabitants of this Province, as well as the members of this House, are of the people called Quakers, whose known principles are against war, so we can not encourage the same, yet, as we represent all the people of this Province, we do not think fit to restrict any of a different persuasion from exercising their freedom therein, but, since the Governor apprehends it to be his duty, this House therefore requests the Governor, if he shall still think fit to continue his intentions, that he will use his wonted prudence and care, not only that it be voluntary, but that the peace and quiet of the inhabitants, one amongst another, may be preserved."

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A month later, Logan, visiting Conestoga, pointed out to the Indians of that neighbourhood, that the Governors of Virginia and Carolina could not prevent the Indians within those provinces from revenging injuries, and that the result of any warriors from Pennsylvania participating in the injuries, would be the cutting off of the Pennsylvania Indians in revenge, while the New York Indians would be safe in their distant home. Civility and the others to whom Logan spoke, agreed to send belts to the Governor of Virginia to inform the Southern Indians of an intention to keep peace with the latter. In a private interview with Civility, Logan ascertained that the Cayugas had several times expressed dissatisfaction at the large settlements made by the English on the Susquehanna, the Cayugas seeming to claim a right to the land there.

This being reported by Logan, the Lieutenant-Governor of Pennsylvania was convinced that the safety of his Province depended upon the strength of New York, that is of the white colony on the Hudson, and could not be left to the good will or faithfulness of the Five Nations, whom, it was likely, the French were instigating to make demands upon the Pennsylvanians, as a mild and defenceless people. He therefore made to the Council, as he had to the Assembly, the suggestion of a voluntary militia, put under such good regulations by an ordinance as could give no offence to anybody. To this suggestion, those present, who all were Quakers, asked to be excused from giving their sentiments. There are no military archives, but it is stated in several histories that Keith was successful in temporarily establishing a militia. No doubt it was done at this time. Some mistakes in Evans's attempt were surely told to Keith, and avoided by him, and his arrangements in turn could not have been forgotten, although they may have been amended, when, in 1747, Franklin proposed an association for defence. It is

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likely that the Lieutenant-Governor in regard to the choice of officers, perhaps by allowing them to be elected, propitiated nearly everybody likely to enlist. There was no legislation even by the Assembly at New Castle. Apparently the organization embraced the Lower Counties, and probably drew its chief strength from that part of the dominion of which Keith was head. In 1722, there was a company of militia from New Castle ordered to proceed to Octorara.

While probably there was no formal organization among the Scotch-Irish on the frontier, whom we may suppose too poor and too remote from the towns to join in preparatory show and practice, men of the blood and religion of the Covenanters were a militant element added to Pennsylvania's population, so largely made up of Quakers and German non-resistants. There is a tradition among the Scotch-Irish families of America that William Penn introduced the race into Pennsylvania to do the fighting against the Indians, and thereby to protect his non-combatant co-religionists, and that, so well were the Indians repelled from the borders, that the Quakers also kept at a respectful distance, remaining in the heart of the province. The truth is that James Logan, Penn's man of business, and not Penn himself, hit upon the expedient, although Penn had counted upon similar instances of protection, but not against Indians, when he sold to resistants and non-resistants impartially. Whether the Scotch-Irish represented by the aforesaid entries of 9mo. 6, 1719, in the Penn account books were sent to the Susquehanna region in pursuance of this, the encouragement of those who soon followed them thither was from this motive. Logan's own words, in a letter of Nov. 18, 1729, to James Steel (*Penna. Mag.*, Vol. XXIV, p. 495), are: "About this time considerable numbers of good sober people came in from Irel[d] who wanted to be settled, at y[e] same time also it happened that we were

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under some apprehension from y^e^ northern Indians . . I therefore thought it might be prudent to plant a settlement of such men as those who formerly had so bravely defended Derry and Inniskillen, as a frontier in case of any Disturbance. Accordingly y^e^ Township of Donegal was settled." This is not to be supposed to mean that the identical persons who were besieged thirty years before now crossed the Atlantic. Mombert's *History* gives a list of surnames as among those of the early settlers, including such as acted upon Logan's permission: only a few of such surnames appear among the signers of the address of the gentlemen of Londonderry to William and Mary, or of that sent by the inhabitants of Enniskillen, both of which are printed in Hanna's *Scotch-Irish*. James Mitchell, before mentioned as taking up 500 acres, and whose letter of May, 1723 (*Pa. Archives*, 2d Series, Vol. VII), was dated from Donegal, was probably not the person of the name signing the address from Enniskillen. Nor was there among those signing it, nor in Mombert's list, George Renick once of Enniskillen, stated in the warrant to him dated Jany. 25, 1730–1, to have arrived in the province about eleven years before with the first settlers of Donegal, but not to have obtained leave to settle on any of the Proprietaries' land, without which leave he would never attempt to do so. According to Rev. Dr. Alfred Nevin's *Encyclopædia of the Presbyterian Church in the United States of America*, Andrew Galbraith settled early on land adjoining on the south the lot on which Donegal's first church building stood, although the patent to him for 2120 acres was not issued until 1736. Practically none of the Donegal settlers paid for land before Thomas Penn's arrival in the province. Some of the land occupied was poor, and, at best, the gaining of a living was a hard task, and there were losses through depredations by fleeting Iroquois, for which the Assembly voted only partial

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compensation. It is to be remembered, that, in spite of the tradition making the race an army against Indians in general, the Irish except by encroaching upon lands did not molest the Pennsylvania Indians during the period of this history.

Keith wrote a letter on July 19, 1720, to the President of the Council of New York, setting forth the conduct of the Five Nations, and how groundless was any claim by any of said Nations or all of them to any land on the Susquehanna, and asking that some suitable acknowledgment be obtained from them for the insolent expressions and behavior of the Cayugas, and that the Nations, if their young men must go to war, be induced to change their path, and not to molest the English settlements or any of the Indian friends of the English. On the day following the date of this letter, Civility and others, to carry out the promise made to Logan, delivered two belts of wampum to Keith at Philadelphia, expressing fear to go themselves to Virginia to take the belts, and, although engaging to follow his and Logan's advice, saying, that, when the Senecas should learn that the Pennsylvania Indians were willing to be at peace with the enemies, the Senecas would cut off the Pennsylvania Indians unless the latter were protected. Keith then promised to take the belts to Virginia, and thereby to arrange that the southern English and Indians should deem the friends of Pennsylvania their friends. Keith was afterwards taken ill and obliged to postpone his journey.

He, however, set out upon it on March 23, next to the last day of the year 1720. On the way, he met a messenger from Governor Spotswood, who, in answer to message and tokens already sent, forwarded two belts from the Indians of Virginia, in assurance that they would not cross the Potomac or the high ridge of mountains along the back of Virginia, if the Pennsylvania Indians would not go south of the Potomac, or

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east of the said ridge. After arrival at Williamsburg, Va., Keith explained that all the Pennsylvania Indians lived east of the said ridge, but seldom or never passed the Potomac, except when fishing in the branches of the Wabash and Ohio during Winter; and he asked, that, when the Governor of Virginia had an opportunity of renewing former treaties, or making new ones, with the Catawbas, Cherokees, or any other southern nation, he particularly mention and include the Pennsylvania Indians seated on the Susquehanna east of those mountains. Spotswood expressed himself satisfied, if the Potomac as far as its source, and thence the ridge of mountains, were observed as a boundary, and he promised in future treaties to look after the safety of the Indians of Pennsylvania.

A change came over the Five Nations, which one is tempted to connect with Keith's undertaking to raise a militia. They had found that the Southern Indians were a match for them, and that the Pennsylvania Indians were more and more under the influence of the Pennsylvania government. It was sufficient to hint that the energetic Lieutenant-Governor of Pennsylvania was likely to enter a combination with the southern Governors. It is possible, indeed, that the Commissioners of New York for Indian affairs made strong representations concerning the grievances of Pennsylvania. The Five Nations became sufficiently obliging towards Gov. Spotswood to send some chiefs to Virginia for a peace pow-wow. On the way thither, two deputies from each of three nations, the Senecas, Onondagas, and Cayugas, with some attendants, arrived at Conestoga in June, 1721, declaring a wish to treat with the Governor of Pennsylvania, but refusing to come to Philadelphia. Keith, with Hill, Dickinson, French, and Logan, went to Conestoga. The speeches of the Iroquois deputies were sufficiently apologetic, beginning with the declaration that the

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faults or mistakes of their young men made the deputies ashamed to show their faces. In their proud oratory, acknowledgment of the robberies was covertly made in a complaint that the traders, on meeting the young men who were going to war, had treated them unkindly, refused to give them a dram of liquor, and called them dogs, whereupon the insulted young men had answered, that, if they were dogs, they might act as such, and accordingly they had seized a keg of the liquor, and run away with it! Keith plainly told the deputies that he knew that they were only saying this to excuse the follies of the Indians, which he was willing to forget. To a request for what was perhaps one great purpose of the savages' contrition, that the Governor of Pennsylvania arrange that the Five Nations get more for their furs and skins, which were not then producing enough for their necessaries, Keith explained his inability to control such matters. His speeches left no misunderstanding, although friendly and giving advice to the red men for their own good to copy the English, who were increasing in numbers by peace, and not to go on destroying their race by war. He told those of Pennsylvania, in presence of the others, that, although, as they must know, he could bring several thousand armed men into the field to defend them and his own people, he had made peace for them with Virginia, and with the Indians in peace with that colony, but upon the condition of not hunting within the great mountains on the south side of the Potomac. To the Senecas, Onondagas, and Cayugas, Keith declared that the Governor of Virginia loved and would protect his Indians, and had many thousand Christian warriors under his command, whereby he was able to assist all in any league of friendship with him; and that the government of Pennsylvania on its part, as protector of the Indians within its boundaries, would no longer suffer them to go out to their destruction.

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Taking out of his pocket a gold coronation medal of King George, Keith gave it to Ghesaont, the spokesman of the deputies, to be delivered to the great head of the Five Nations, Kannygoodk, as a token of lasting friendship between those Nations and the English.

Ghesaont, talking to Logan after Keith went home, said that the principal reason for going to war was that the Indians could not, as formerly, get clothing from the English, and therefore sought to seize it from enemies. Logan assured him that the trade by the New Yorkers with Canada, whereby goods were diverted, had been prohibited, and that Albany could best supply the Indians, and that the new Governor of New York would see that it was done, if they remained faithful. Ghesaont, who was a Seneca, acknowledged Penn's right to the lands on the Susquehanna. The deputies proceeded to Virginia.

The Pennsylvania government never flinched from using violence to enforce law and domestic justice for Indians. John Grist and others, who had long persisted in occupying land without warrant on the western side of the Susquehanna, were complained of by the Indians for sundry abuses; the Lieutenant-Governor ordered John Cartlidge, as a Justice, to warn the intruders to remove, and, if they refused to do so, to raise a *posse*, and burn their dwellings. Some refusing, some of the cattle of such were killed by the Indians. Grist appearing in Philadelphia, and Keith going out of town, and leaving the matter in Logan's hands, Logan, taking advice of the Attorney-General, on Grist becoming insolent, committed him to jail, for want of security for good behavior. The Council afterwards, taking compassion on him, allowed him, in order to carry off his corn, to be discharged upon his own recognizance to remove from his settlement within a month, and for twelve months good behavior and appearance on notice.

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About the beginning of February, 1721–2, a Seneca warrior, named Sawantaeny, met his death at the hands of John Cartlidge and his brother Edmund. Sawantaeny was hunting on the Manakassy, when the Cartlidges came to trade for the skins. They treated him to punch and rum three times, and then traded him rum. He and the Cartlidges' guide, a Conoy, got drunk that night. The next day, Sawantaeny demanded more rum, as not having received the full quantity, and, he persisting, John Cartlidge knocked him down. Sawantaeny went into the cabin, kept by his squaw, and brought out his gun, when William Wilkins, a servant of John Cartlidge, caught hold of it, and struggled for it. Edmund Cartlidge, coming to the assistance of Wilkins, got the gun, and broke it, beating the Indian, who, as he sat on the ground with blood running, was kicked by John Cartlidge. The Cartlidge party, after gathering up their goods, departed: the Indian died the next day. On news of this being brought, through white people, to the Lieutenant-Governor, he sent Logan and French to Conestoga to investigate and negotiate. It was impossible to view the body, which had been buried by two Indians, who found it while the squaw was away looking for help. Logan and French took the Cartlidges into custody, and sent two stroud coats to the Senecas in the north, in order, in the poetic phraseology of those to be appeased, "to cover our dead friend," and a belt of wampum "to wipe away tears." The Five Nations having previously sent word to stave in and empty all kegs of rum, the Pennsylvania traders received orders not to resist.

The Five Nations, protesting that the two stroud coats were not accepted as a pecuniary satisfaction, sent back the very justifiable message that there were no heart burnings, but that two members of the Council were not enough to smooth over the matter, but that it

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took a great number of people to answer for the whole country, and the Governor must come to the Senecas' castle, and that, on his coming, peace would be made with the Cheekaragoes, and so there would be peace with all the mainland. Keith, in reply, explained that English law did not permit a satisfaction in money or goods to be given to the relatives of one murdered, and that the Cartlidges would be treated as if the person killed had been a white man, but the English laws distinguished between premeditated murder and killing in hot blood in a quarrel. Keith agreed to go to Albany, if the Governor of New York would be there at the time of the arrival of Commissioners from Virginia, Gov. Spotswood having promised to come, or send an embassy. Keith sent a mourning-ring off his own finger, to be worn by Sacauncheuta, the chief Seneca, a relative of Sawantaeny, explaining that with such a ring the English mourned their nearest relations and friends. To the sachems of the Five Nations were sent five shirts of the best calico, five pairs of silk stockings, five pairs of silk garters, and five silk handkerchiefs.

Certain actions of Keith about this time relating to the lower Susquehanna will be mentioned in the next chapter.

Logan being, for family reasons, unable to leave Philadelphia, Hill, Norris, French, and Hamilton were appointed Commissioners for the treaty at Albany, the Assembly giving Keith 130*l.* for the expenses of the trip, and Norris 100*l.* for presents to the Indians. Keith with French and Hamilton—for the Quaker Commissioners were lagging on the way—held a preliminary conference with the Governor and Council of New York and the Governor of Virginia as to the best measures to secure a general peace between the Five Nations and the Indians and the colonies. Keith there urged that the Five Nations be induced to avoid going through Pennsylvania on warlike expeditions, hoping

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for such a result from the Virginia act read to the conference. He mentioned the purchase from the Five Nations by William Penn, through Gov. Dongan, of all the lands on the Susquehanna, and disclaimed any desire on the part of Pennsylvania to take the trade with those Nations. Hill and Norris arrived in time for the meeting with the Indians, to whom, on September 7, Keith made the speech for peace drafted before he went by his Council, and also delivered the presents to insure that the Indians' "young men," when they travelled, would not hurt any of the inhabitants of Pennsylvania, or kill their cattle and stock. The sachems answered with renewing and brightening the covenant chain, that it might shine as clear and as long "as the sun in the firmament," and also acknowledging that the Governors and People of Pennsylvania had honestly and truly kept the league of friendship made by William Penn. The sachems confirmed the message sent previously that the killing of the Seneca was forgiven, and they asked that those who did it be set at liberty.

This satisfactory negotiation being finished, Hill, Norris, and Hamilton started for home, leaving Sir William, attended only by French, who, it will be borne in mind, had been a tool of every Lieutenant-Governor but Gookin, and therefore was not an independent and inquisitive witness of what subsequently took place. The chiefs having, on the 13th, notified the Pennsylvania interpreters of having something further to say, Keith on the next day received in his room, in the presence of Philip Livingston, the New York Secretary, two chiefs of each of the Five Nations, and two other chiefs said to be Tuscaroras. Keith's report of the interview was, that, through the New York interpreter, Lawrence Claese, the Five Nations made this speech: "Brother Onas [the name given to the acting Governor of Pennsylvania as representing the man called 'pen']

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We here now freely surrender to you all those lands about Conestoga which the Five Nations have claimed, and it is our desire that the same may be settled with Christians, in token whereof we give this string of wampum." It might be said that this report needed something "to give verisimilitude to an otherwise bald and unconvincing statement;" and this it had in Keith's further quotations from the speech to the effect that Brother Onas was to order, that, if any of these Indians came to Philadelphia to trade, they were to have goods as cheap as possible, and that the sachems desired some provisions to help them on their journey. To these last points, Keith replied—remember his statement that Livingston and Claese were present—that Philadelphia was far out of the way, Albany well supplying goods, and that all he could do as to the provisions was to give them some bread. To their gift of land, he said: "You know very well that all the lands about Conestogoe, upon the River Susquehannah, belong to your old friend and kind brother William Penn; nevertheless I do here, in his name, accept of the offer and surrender which you have now made to me, because it will put an end to all other claims and disputes if any should be made hereafter." Logan writes in 1729 that he suspected at the time that the gift, or surrender, had not been made. The evidence is not before us as to whether Keith or the interpreter jumped at conclusions, or whether the Cayugas lied, when, in 1727, they maintained stoutly that all that had been done was to grant permission "to make a fire" for the purposes of a copper mine (see next chapter) of which Keith spoke. Before Keith's return, his Councillors allowed his report to be printed, and therefore credited, Hill, Norris, and Logan being present.

Governor Spotswood had secured the passage by his Assembly of an Act whereby any Indian of the Five Nations found south of the Potomac or east of the

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great Ridge of Mountains—without a pass from some Governor?—could be put to death, or transported beyond seas as a public enemy, and any Southern Indian passing north of the Potomac, or west of the said Ridge, could be put to death by any one finding him there. The terms of this Act were ratified at the aforesaid meeting in Albany between him, as representing ten Indian nations living east of the Ridge, and the sachems representing the Five Nations and the Tuscaroras, and professing to represent the Conestogas, the Shawnees, the Octatiguanannkroons, and the Ostagues. The Five Nations further agreed that they and those subject to them would not receive or harbor any negroes, but would take them up, if found in the woods, and deliver them to the Governor to be returned to their masters. Several negroes had run away, and were supposed to be with some Shawnees on the northern side of the Potomac.

In October, 1722, on the way home from Albany, Spotswood stopped in Philadelphia, with the purpose of meeting the Indians of Pennsylvania, to treat with them for their ratification of the aforesaid boundaries and the return of the fugitive negroes. The majority of Keith's Councillors present when he laid before them Spotswood's design, were averse to Spotswood's treating with the Pennsylvania Indians, also disapproved of the law passed in Virginia, and opposed the Pennsylvania Indians subjecting themselves to its penalties. Keith sent the written opinion of these Councillors to Spotswood, but, having summoned the Indians to Conestoga to meet the latter, offered to do what the latter should think best, to attend him thither, or to undertake himself to bring the Indians to the measures proposed. Unwilling to put Keith in such opposition to the Councillors, Spotswood went home, much surprised as their attitude, and chagrined at having lost time in Philadelphia, and at having spent money for horses for the

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abandoned journey to Conestoga. He left, however, with Keith belts of wampum, to be used upon any opportunity for treating with the Indians for what Virginia desired. With the belt on the subject of the negroes, a message drafted by Logan, and revised in Council, was soon sent by the Lieutenant-Governor of Pennsylvania to the chiefs at Conestoga, making excuses for the failure of Spotswood and Keith to visit them. The message notified the Indians of the treaty between Virginia and the Five Nations, and of the Virginia law, and promised to deliver one of Spotswood's belts when the chiefs would meet to receive it in token of agreement to the treaty, and announced that Col. Mason on the Potomac in Virginia would give a gun and two blankets for every negro delivered to him for return to the master. The Indians replied that they were disappointed at losing their liberty of passing the boundaries, but would observe them; and the Shawnee King promised to go himself to Oppertus, and possess himself of the negroes, and carry them to Virginia in the Spring.

Besides furnishing strong pickets against threatening Iroquois, the Scotch-Irish immigration enabled the Pennsylvania land officers to make some sales. As early as 1722, some even of those members of the race who had bought Maryland titles took confirmations from the representatives of the Penns, or acquired from them tracts in the same neighbourhood. When Indian hostility had not culminated in anything but incidental marauding, and even the misunderstanding arising from the proceedings at Albany seemed capable of settlement by a purchase, and when the quantity of land ready for immediate sale was becoming much restricted, the number and neediness of the persons arriving from Ireland was overwhelming. Much business was done by sea-captains and merchants in bringing at their expense persons who contracted

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to repay them by labor for a term of years, and in the said importers selling and assigning the labor so contracted for. These "redemptioners," as such laborers were called, were sure of food and lodging during their temporary slavery. Those Scotch-Irish who paid, or whose relatives paid, for their passage, were of the agricultural class, and could be only farm hands or pioneers. They furnished the rural free labor of southern Pennsylvania for nearly one hundred years; and, appropriately, the law of the Commonwealth abolishing negro slavery was chiefly the work of a native of Ireland, George Bryan. Employment could not be found for all in the early years, and when, in the Fall of 1727, eight or nine ships discharged at New Castle, probably most of the passengers had to find some spot in the wilderness on which to put up a cabin. On one day in November, 1727, application was made to Logan asking where four hundred could settle. They declared that they intended to purchase, but, in Logan's opinion, not one in twenty had any money. This state of affairs was probably true for many years. When, impelled by necessity, members of this race took possession without paying, they could not be rigorously treated; the kinsmen far and wide might make their displeasure felt. The Penns undoubtedly lost the price of some land. On the other hand, these men who landed in Pennsylvania or the Territories Annexed, adopted the cause of the Penns, and the latter might consider, that, with all losses, there was a net gain, in having a population of henchmen, those who did not pay money seeming to hold by military service. A great result of the Scotch-Irishmen's location in the disputed region, instead of its purchase by the Quakers, was, that, by the Irishmen fighting, as civil officers, or as members of a *posse,* the jurisdiction of the Penns was enforced over so much of the region until the final settlement.

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According to Robert Proud's *History of Pennsylvania,* 6000 had come by 1729, and 12000 arrived annually for several years before the middle of the century. It has been stated that 1000 families, not merely individuals, sailed from Belfast in September, 1736. Some of the vessels may not have come to the Delaware.

The distribution of the Scotch-Irish in what is now Pennsylvania or northeastern Maryland, has its best evidence in the Presbyterian records of the appointment of places of worship. The immigration was not in congregations, or under pastors. As shown in the chapter on the Church of England, already in the Middle Provinces were Calvinists governed according to the Scotch model; and to their clergy, among whom were natives of Ireland, the faithful of the Synod of Ulster entering the field had recourse for spiritual ministration. Poor as these immigrants were, there were among them those who were informed in the theology endorsed by that Synod, and this may be said generally of those who became ruling elders. When in great numbers the race joined the aforesaid American branch of the communion embracing the Established Church of Scotland and the brethren in Ireland, the history of the race in America and the history of that branch became blended.

It is possible that the claims that Octorara and Donegal congregations were organized in 1720, may mean that Irishmen gathered for worship in both neighbourhoods alternately in that year. J. Smith Futhey, in his *Historical Discourse on the 150th Anniversary of Upper Octorara Church,* says that the Pastor at the Welsh Tract, Rev. David Evans, was the first who preached at Octorara. A house of worship was put up not later than 1721, and the people about this time were directed by the Presbytery of New Castle to "gratify" those who supplied the pulpit, *i.e.*

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make some present to them, and not let them go away unpaid. Among them was Rev. Daniel McGill of Maryland, who appears to have preached at other points thereabouts. On 6mo. 20, 1724, Joseph Waterworth complained to the Pennsylvania Board of Property that divers Scotch-Irish were busy settling about Octorara Creek, and that this was making those neighbours who had settled on regular grants very uneasy. Yet the congregation of the upper part of the Creek included men of some money, and a call on its behalf to Adam Boyd was presented by Arthur Park, a native of Ballylagby, Co. Donegal, before mentioned as taking up land on the Susquehanna, and Cornelius Rowan, whose son and heir-at-law is described as of Grey Abbey, Co. Down, "gentleman." Adam Boyd, a native of Ballymoney, Ireland, was ordained Pastor of Octorara and Pikquæ on Oct. 13, 1725, and a couple of years later the Presbyterians down the western side of the Octorara were strong enough to form another congregation, called Middle Octorara, and obtain part of his time. Those at Donegal seem to have been embraced in an application made in 1722 to the New Castle Presbytery on behalf of the settlements towards the Susquehanna by Rowland Chambers. Rev. James Anderson, previously minister at New York and New Castle, accepted a call to Donegal in 1726, and then secured an entry in the minutes of the Land Commissioners in his favor for 300 acres, and made this plantation his residence. About this time, it is said, John Harris, who, however, was from Yorkshire, settled on Paxtung Creek, and several persons from Ireland named Chambers, on the Swatara; and there soon followed into these upper localities enough Presbyterians, or would-be Presbyterians, to make another congregation. Swatara, since called Derry, obtained one fifth of Rev. James Anderson's time in 1729, and the people at Fishing Creek, since called Paxton

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Church, asked for ministerial supplies in the following year. The warrant before mentioned to Renick in 1730 allowed him and three sons and a son-in-law, Robert Polke, to enter upon 1000 acres on the Susquehanna between "Sohataroe" and "Pextan," two miles at least above "Sohataroe" (Swatara). The Presbyterians in the neighbourhood of Chestnut Level were sufficiently numerous before 1730 to have a place of worship about a mile below the present village.

At Fagg's Manor, a congregation was formed about 1730, originally called New Londonderry. Efforts were made to obtain a minister from, strange to say, the Associate Presbytery of Scotland, but without success. Naturally, after this, assistance was sought from the ecclesiastical association of the neighbourhood.

The Scotch-Irish congregations were covered by Donegal Presbytery, when, in 1732, that Presbytery was taken from New Castle Presbytery, Anderson, Thomson, Boyd, Orr, and Bertram being made the constituent ministers. In 1733, the people of Pequea were erected into a distinct congregation, and in 1734 members of Boyd's congregation residing in or near Brandywine Manor asked liberty to erect a separate house of worship for him to preach in occasionally, thus starting the Falls of Brandywine Church. We need not further pursue the multiplication of congregations: before the year 1748 there were some west, as well as east, of the Susquehanna.

Before the faithful of Irish birth had become numerous, the ministers reared in Scotland or Ireland became alert for the American Synod to which they belonged to conform to the practice of the Synods at home. Gillespie had a resolution passed in the Synod of Philadelphia of 1721 authorizing an overture to be offered by any brother the following year for an Act of Synod for the better carrying on of government and discipline. This caused a protest from some who thought

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that the Church had no authority to make laws, or to alter or add to what was prescribed in the Bible; and the Synod of 1722 declared satisfactory the statement of these protesters allowing of acts and directories only so far as not imposed upon those conscientiously dissenting. The Presbytery of New Castle expressed adherence to the Westminster Confession in 1724. The majority of the Presbyterian divines in Ireland now became more strict. After, for a short time, allowing a Presbytery to pass upon the soundness in faith of a man who scrupled at and modified phrases in the Confession, the Synod of Ulster determined to adhere to the Confession, and, in 1726, required every minister and elder, before voting in a Synod, to subscribe to the Confession; which action resulted in the non-subscribers forming a schismatic Presbytery, and in the latter's development as the Unitarian organization of Ireland. Thomson, who had come from Ireland in 1715 as a probationer, and was Pastor at Lewes, Delaware, introduced in the Synod of Philadelphia in 1727 an overture to adopt the Westminster Confession, Catechisms, &ct., and, furthermore, to direct the Presbyteries to require subscription to the Confession, and a promise not to teach contrary to it, from every candidate, and from "all actual ministers coming among us, no minister to teach contrary to such articles unless the subject were first discussed in Presbytery or Synod."

The next year, this overture was recommended by all Scotch and Irish members at the Synod. Although the English and Welsh, who were unanimous against it, succeeded in having it postponed, it carried dismay to those opposed to authority in matters of belief. Some saw in it a design to drive out the American born preachers, or, at least, the New Englanders, they differing with the Irish on disciplinary questions. There was a willingness to adopt the Confession, but

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not to make it an essential term for ministerial fellowship. This plan obtained general acceptance in the Synod of 1729, from which there were some members absent, but such seem to have afterwards shown their adherence. Except Rev. Daniel Elmer, who expressed himself as unprepared, but subsequently gave in his adherence, all the ministers present announced the solution of all scruples against any expressions in the Confession or Catechisms of the Westminster Assembly, and declared the said Confession and Catechisms to be the confession of their faith, excepting some clauses in the 20th and 21st chapters as to the Civil Magistrate. The Directory for worship, discipline, and government, commonly annexed to the Westminster Confession, was acknowledged to be agreeable in substance to the word of God, and founded thereon, and was recommended to all members to be observed as near as circumstances would allow, and Christian prudence would direct. In the various Presbyteries, this settlement was carried out faithfully.

After the Synod of 1733 had urged upon ministers the duty of instructionally visiting the families under their charge, and of seeing that household worship took place, and after the next Synod had not received satisfactory reports from the Presbyteries on this subject, Gilbert Tennent, on Sep. 20, 1734, introduced an overture for due care in examining candidates for the Lord's Supper, and for the ministry, on the evidences of God's grace in them, as well as their other qualifications. The Synod unanimously adopted an admonition of this kind, with a recommendation to the Presbyteries to examine into the life and work of the ministers, and whether their preaching insisted upon the great articles of Christianity, upon the Saviour being the only foundation of hope, upon the necessity of divine grace for accepting Him, and upon the lost and miserable state of those unconverted.

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In an age when all degrees of skepticism as to the Westminster faith were manifesting themselves, Arminianism, Unitarianism, Deism, and Atheism, it was inevitable that some of the men who came from Ireland should differ with the majority. Samuel Hemphill, who had, as a probationer, excited the disapproval of Rev. Patrick Vance, was ordained by the Presbytery of Strabane, and admitted to the Synod of Philadelphia, accepting the Confession and Catechisms. A letter from Vance to his brother-in-law, John Kirkpatrick, elder at Nottingham, caused an examination of Hemphill's teachings by the Presbytery of New Castle, resulting in an expression of satisfaction from the same. After he had been made assistant to Andrews at Philadelphia, the ideas expressed in some of Hemphill's sermons were at such variance from generally received Christianity that Andrews had him tried by a commission of the Synod, and suspended. In the pamphlet war that followed, it was shown that several of the sermons were from the published works of well known Arians; which plagiarism, apparently rather than the thoughts expressed, at once chilled the enthusiasm for him, and soon scattered his admirers.

The behavior of Hemphill made the American Presbyterians less ready to accept ministers on the mere endorsement given by Irish Presbyteries. Some Irish Presbyteries had been conferring the "preaching eldership" *sine titulo, i.e.* without appointment to a definite field, so ordaining persons about to depart for America, but who nevertheless were without a call from a particular congregation. In fear that this would be done without sufficient examination of the candidate, the Synod of Philadelphia made a rule in 1735 that no European minister or probationer preach in any vacant congregation before subscribing the Westminster Confession, and satisfying as to his attachment to it a committee of the Presbytery examining his credentials,

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that no call be presented until he had preached half a year within the bounds of the Synod, that a call be moderated by a minister appointed by the Presbytery of the district, and that a minister ordained in Ireland to no particular charge do not exercise his ministry before submitting to such trials as the Presbytery having jurisdiction over his intended residence should appoint. The Synod sent a message to Ireland asking that ordinations *sine titulo* be not made, and also suggesting that a minister coming over bring not only credentials, but letters from brethren well known to be attached to the "good old principles and schemes." From before this until this history closes, few New Englanders would be candidates for vacant pulpits under the Pennsylvania Presbyteries, or would stay long, if they did accept. One Englishman only found employment in Penn's dominion from the formation of the Synod until its disruption; and only a few Scotchmen. The great majority of the ministers were from the North of Ireland, and had been educated at Glasgow.

The Westminster Directory had required candidates for the ministry to show a college diploma, before being taken on trial; and this had been followed by the Scottish Kirk and the body under the Synod of Ulster. Poverty making it impossible for Pennsylvania Presbyterians to go to Europe for a college education, and very difficult even to go to New England, the acceptance of men without such training became necessary. To those, like the Tennents, concerned over the lethargy or formalism in the older communities, and over the shepherdless state of the groups of pioneers, as well as the irreligion outside of the fold, it was all important to get exhorters, who, thoroughly in earnest, could move the hearts of ordinary people. Alexander's book on the *Log College* says that the Tennents secured the setting off of New Brunswick Presbytery with the aim of getting an ordaining body which would ordain those

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taught at old Mr. Tennent's school. The ministers assigned to the new Presbytery were Gilbert Tennent and William Tennent Jr. and Samuel Blair, who had studied under their father, besides John Cross, who had carried on a revival in the mountains of New Jersey, and two graduates of Yale, Eleazar Wales and Richard Treat of Abingdon, near Philadelphia. On the other hand, some ministers were not satisfied to trust to the instruction at what they laughingly called "Log College," where there was only one teacher, or to other private education; so the Synod of 1738, the same which established New Brunswick Presbytery, appointed standing committees to examine all students with or without diplomas, and to give certificates of approval, which should be accepted as equivalent to a degree in arts.

The Presbytery of New Brunswick licensed a Neshaminy student, John Rowland, without complying with this, and sent him to Maidenhead, which was under the Presbytery of Philadelphia, despite the warning by the latter, permitted as a veto by regulations made in 1737, that the congregation would be disturbed. The congregation was in fact divided, and the Philadelphia Presbytery said that Rowland could not be treated as an orderly candidate. On this subject, involving the authority of the Synod, the Presbyterians of Pennsylvania and adjacent colonies separated, as will now be mentioned, into two bodies. There was no question as to the Westminster Confession, for both sides professed adherence to it, but the controlling object with one was the prosecution of awakening methods like Whitefield's. To the Synod of 1739, the New Brunswick Presbytery sent a lengthy vindication, setting forth that no church judicatory had power to bind those who conscientiously dissented from the regulations. Rowland's friends at Maidenhead asked to be a separate congregation attached to the New Brunswick Presby-

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tery, to which transfer the Philadelphia Presbytery had not agreed. The Synod refused to transfer, and declared the licensing of Rowland to have been disorderly, and forbade him to preach until he should pass the examination, which they again made necessary, only allowing, as an alternative, that it be before the whole Synod. The Tennent family protested, Rev. Samuel Blair and Rev. Eleazar Wales and some elders joining them. The New Brunswick Presbytery ordained Rowland as an evangelist in November following.

The coming of Whitefield to the Middle Colonies in the Fall of 1739 created enthusiasm for the Tennents, with whom, as pioneer revivalists, he associated himself, while he gave considerable endorsement of Rowland as a worthy minister. Contempt was felt for the preachers forming the majority in various tribunals, as persons of no religion at heart. To break down their authority became part of a warfare which Whitefield likened to that of "Michael against the dragon." Gilbert Tennent preached at Nottingham on March 8, 1739–40, a sermon upon An Unconverted Ministry, pretty plainly calling upon people to withdraw from attending upon such. John Cross, being refused the use of the Nottingham place of worship, elicited "amazing manifestations of distress" in the woods. Whitefield, coming to Nottingham on his second visit to Pennsylvania, had thousands to cry out, so as almost to drown his voice. The "awakened" started a new Presbyterian congregation, beginning to build across the highway from the old house of worship. While the Synod of 1740 was in session, those who agreed with Tennent, and on whom, as it were, the mantle of Whitefield had fallen, preached fourteen sermons on Society Hill, Philadelphia, besides several in the Baptist church. Those not of Whitefield's principles, like Rev. Jonathan

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Dickinson of New Jersey, were not allowed to use the platform erected on the Hill.

In the Synod of 1740, a proposition was made to refer the question of the examination of candidates to the highest tribunals of the Scottish or Irish Kirk, or the associated divines of London, or the divines of Boston, but the Whitefield party refused to agree, declaring the proposed referees dead formalists. Then the rule was continued. A renewal of the protest was joined in by John Cross and Alexander Creaghead, Pastor of Middle Octorara, and by James Cochran of Fagg's Manor, Richard Walker of Neshaminy, Daniel Henderson of Forks of Brandywine, William Emmitt of White Clay, and other elders. Later in the session, Gilbert Tennent and Samuel Blair, then Pastor at Fagg's Manor, without collaboration, delivered to the Synod violent animadversions on the state of the ministry, not merely an insulting picture of the spiritual deadness of the majority, that is of those not revivalists, but declarations that many of those present were guilty of error and considerable offences. The reception of all this must enhance our respect for the memory of the veterans attacked. Instead of being interrupted, Tennent and Blair were told to spare no man. Then they were relegated to making in the prescribed manner specific charges, if they had proofs; and a vote was passed admonishing all ministers to take care to approve themselves to God, and, furthermore, recommending the Presbyteries to take care of their members in the particulars. Newtown and Tinicum congregations were, on their request, put under the New Brunswick Presbytery.

The Scotch-Irish did not all run after Whitefield. Donegal Presbytery was controlled by the other side, and executed the resolution of the Synod by disciplining sympathizers with Tennent and Blair. Charges were made against Creaghead and David Alexander,

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Pastor at Pequea; and the Presbytery, whose visiting members were driven away from Middle Octorara by a tumult, and whose Moderator was excluded from the pulpit at Pequea, suspended the accused. New Castle Presbytery, against the protest of Blair and Charles Tennent, allowed queries against Whitefield to be printed.

A number of persons withdrew from Andrews's congregation in Philadelphia, and met in Whitefield's New Building. Gilbert Tennent, who, by Whitefield's appointment, made a tour of New England in the Winter of 1740, afterwards preached to these seceders. A new house of worship was built for them, and ultimately they became the Second Presbyterian Church of the City.

When the Synod of 1741 was in session, a counter protest was presented on June 1 against the participation of the former protesters. It was contended that they should be excluded for denying the power of Synod to bind dissenting members, for licensing and ordaining in opposition to Acts of Synod, for persuading persons to believe that a call of God to the ministry does not consist in being regularly ordained, and for denying the benefit of the preaching of "unconverted" ministers, and for preaching so as to cause men to cry out, or fall in convulsion-fits &ct. It was claimed, that, if such persons without giving satisfaction continued to vote, the acts passed by them against the judgment of the signers should not be binding upon the latter, and, if such persons and those who adhered to them continued to act as during the past year, they would be guilty of schism, and the signers would be the true Presbyterian church in the "province." The signers were Revs. Robert Cross, assistant in Philadelphia, John Thomson, Francis Alison, Robert Cathcart, Richard Zanchy, John Elder, John Craig, Samuel Caven, Samuel Thomson, Adam Boyd, James Martin,

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and Robert Jamison—nearly every one an Irishman—and elders Robert Porter, Robert McKnight, William McCulloch, John McEwen, Robert Rowland, Robert Craig, James Kerr, and Alexander McKnight. The former protesters claimed that whichever party was the majority composed the true Synod. A roll was called. No one was in attendance from the New York Presbytery, and three other ministers and one elder were absent. Gillespie did not vote. A majority, including Andrews, who was Moderator, voted to exclude the former protesters. Revs. William Tennent and his three sons, and Treat, Blair, Creaghead, Alexander, and Wales and the elders accompanying most of them, were all that the New Brunswick party could muster. They withdrew, followed by a great crowd of spectators.

The majority continued in session, and passed unanimously an acknowledgment of the Westminster Confession and Longer and Shorter Catechisms as the confession of each minister's and elder's faith. Those forming the majority and their adherents came to be called the "Old Side," and continued to be represented in a Synod.

In June, 1741, the excluded ministers of the New Brunswick Presbytery met, attended by the six ministers who adhered to them, and decided that those brethren who had left New Castle and Donegal Presbyteries should meet at White Clay Creek on June 30, and form the Presbytery of Londonderry, and that such Presbytery and that of New Brunswick should meet in August as a Synod. Thus was started the "New Side," with its rival Presbyteries and Synod. The Presbytery of New York united with this Synod in 1745, and the Synod became known as that of New York.

The breach was not closed until after the period of these Chronicles.

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The "log college" being affiliated with the New Brunswick ministers, certain Presbyteries loyal to the Old Side Synod undertook in November, 1743, the establishment of a school in New London Township, Chester Co., for higher education. It was taken under the care of the Synod in May following. Rev. Francis Alison was the first teacher. There was a project in 1746 for candidates for the ministry at this school to have certain privileges granted to them by Yale College. Afterwards the school was removed to Newark, Delaware, and became known as the Newark Academy.

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CHAPTER XX.

Confusion at the Death of Penn.

Date of death—Later honors paid or attempted —Circumstances under which will was drawn— Its provisions—Ultimate injustice to William Jr. and Lætitia—Their other property in Pennsylvania—William Jr. becomes a member of the Church of England—Disputes the will, and claims the government at the Founder's death—Commission to Keith and instructions—The Lieutenant-Governor's continuance under Act of Assembly— Action under the new commission postponed— Order from the Regents of Great Britain—Keith's actions in the Lower Counties—Suspension of Assheton from the Council—Neglect to submit Pennsylvania laws to the Crown—Courts commissioned—Death of William Penn Jr.—Hannah Penn's petition to the Regents, and bill in equity —The law of party-walls—Keith succeeds to a baronetcy—Deterioration of Pennsylvania flour— Hard times—Law as to leather and shoes— Changes in Assembly—Restraint of liberty of the press—Real estate affairs—Keith interferes to acquire a mine—Legislation as to flour and other products—Keith restores Assheton, and appoints Assheton's son, to the Council—Surveys 75520 acres for Springett Penn—Lætitia Aubrey's Tulpehocken tract—Hard times continued through 1722—Keith has laws passed ameliorating legal process.

William Penn breathed his last on July 30, 1718 (O. S.), and, on the 5th of August, in the yard adjoining Jordans Meeting, his body was interred.

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About a century and a half later, there was an effort made to remove it to America, and to give it, doubtless with great pomp, a more signal resting-place, under the new building for the city government in Philadelphia; and a public-spirited private citizen, George L. Harrison, accredited with letters from the Governor of the Commonwealth, went to England for that purpose: but the trustees of Jordans ground, perhaps because true to Quaker sentiment for quietness and simplicity, refused permission. Penn's statue, 37 feet in height, was placed on top of the tower of the City Hall, which was thus made the tallest building in the world at that time. From an unfortunate selection of historic setting, his property rather than his plan is suggested, a hand of the figure resting upon the King's patent, and Charles the Second's name shown thereon is the only one cut in the bronze. By an excess of sentiment, the figure does not stand square with the building, but looks towards the supposed place of the Great Treaty. A better memorial is the name of the second state in population in the American Union.

Penn, like most men of property, made a number of wills. The first that is known to the present writer is mentioned in Samuel M. Janney's *Life of William Penn,* Chapter XXXI, as made in 1701, and left in the hands of Logan at Penn's departure from Ameriea. This will confirmed the freedom given in writing to Penn's slaves, and left 100 acres of land to one of them. Another will of the Founder is among the MSS. of the Historical Society. This is in his own handwriting, and bears date 8, 8, 1705. His eldest son, by its terms, was to be styled Chief Proprietary, and to have two thirds of the Pennsylvania estate, if he would let his half brethren, the second wife's children, into the Admiral's estate in Ireland; certain lands west of Cork being mentioned, apparently as to be given to those children, and they were to have one third of the

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estate in Pennsylvania and Counties Annexed set off to them. If William Jr. would not settle said estate upon them, the aforesaid interests in Pennsylvania were to be reversed. John Penn was to have a double share in what was to come to the children of the second marriage. By a codicil dated 6, 21, 1707, written on the same paper, Lætitia Aubrey's estate which she already had from the testator was to be made up to equal that of each of the younger children. She was also to have a gold piece of Ferdinand and Isabella which Penn's mother had given to Lætitia's mother, and which Penn had worn about his neck ever since her death. When the debts were paid, there was to be an almshouse for six poor sea captains built near Ratcliff Hill in Bristol, in memory of the Admiral.

The making of what was Penn's final will and testament has been mentioned in the chapter on the Agreement to Sell the Government to the Crown. It is not surprising that then outside philanthropy and solicitude for his first-born disappeared. Although the immense volume of indebtedness hanging over the Founder had been reduced, he had been disappointed in the sums obtainable for his property, and, instead of great future wealth, he saw, it would seem, the contingency of the American estate amounting to little. What in such case would be the bulk of the family property, and what many persons, wishing to be fair, probably thought a sufficient provision for any one of his children, had been settled upon the eldest son. The will of 1712 was not approved of by Logan, or by Hannah Penn's uncle by marriage, Simon Clement: but their objections appear to have been to the cumbersome arrangement for managing the American property, and, perhaps, to the silence on certain points, rather than to the distribution. Clement wrote of the will as a hasty act. In the possibility of the testator's death by the fever which he then had, there was a ne-

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cessity to provide for the carrying out of the agreement to sell the government; and he was aware that Hannah Penn might be without enough money to live on. Intestacy, which could easily be brought about by the cancelling of former wills, would either put the government entirely in the hands of the heir at common law as an inheritable jurisdiction, or would give shares of it to minors as an appurtenance to the land. The real estate in Pennsylvania would be liable to a sale for payment of debts and bringing up of children, and what might not be sold, would, by the local law, be divided equally among the widow and children, William getting a share. Hannah Penn would get, under English laws, one third of what would remain, after paying Penn's debts, of his bonds, rents accrued at his death, and other funds and goods. Under the pressure of these circumstances, Penn dictated a will to the lawyer, Robert West, who probably made it conform to legal phraseology.

Penn devised the government to two noblemen, Robert Harley, who bore the double title of Earl of Oxford and Earl Mortimer, and who was then Lord Treasurer, and John Poulett, whose title was Earl Poulett, and who was then Lord Steward of the Household, both of whom retired from those offices before Penn died. This devise was in trust to sell the government to the Queen or anybody else. The proceeds of such sale, although not specially mentioned, would seem to be included in the personalty, which, with special mention of rents in arrear, was all given to Hannah Penn, who was appointed executrix, for the equal benefit of her and her children.

She was one of the trustees named in the will to sell land &ct. Besides her father, Thomas Callowhill, who died in 1712, and Penn's sister, Margaret Lowther, who died in 1718, the other trustees were Gilbert Heathcote, Samuel Wildenfield, John Field, and Henry Gouldney,

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making altogether seven living in England, and also Samuel Carpenter, Richard Hill, Isaac Norris, Samuel Preston, and James Logan, making only a minority residing in Pennsylvania. All lands, tenements, and hereditaments, rents, or other profits in America were devised to these twelve and the survivor, to sell sufficient to pay debts, and then to convey 10000 acres to each of William Jr.'s three children, and 10000 acres to Lætitia Aubrey, the locations being chosen by the said trustees, and all the rest of the said American property was given to the children of the second wife. She was to decide in what proportions, and for what estates, the division among them was to be made. She could practically disinherit all but a favored one.

When Penn signed the will, he uttered, as he afterwards said, "some unworthy expressions belying God's goodness to me, as if I knew not what I did." After getting to his home at Ruscombe and recovering from that illness, Penn, to preclude any question of his sanity at the signing aforesaid, reexecuted the will on 3, 27, 1712, seven witnesses subscribing, he having by postscript, or codicil, given £300 a year out of the rents of Pennsylvania to his wife during life, for the care and charge over the children in their education.

The ultimate distribution of the property was what might have been expected from a man who felt himself afflicted beyond measure, and saw not the prosperity in store for his family, and was in haste to provide for his wife and younger sons. Rather appropriately, it can be said that "he did it with a vengeance." Only 40000 acres out of about 40,000,000 which he had, or to which he had the right of preemption, were to go to the descendants of his first wife. William Jr. was declared well provided for by a settlement of the estate of his mother, and of that of the Admiral, meaning as much of each as was intact; and, although this was estimated in the pleadings between Hannah and Springett

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Penn as from £1200 to £1500 a year, it would seem to those who compare it with what Thomas Penn ultimately came into, that the first Proprietary had wished to punish his eldest son. This is not to be thought. The first Proprietary's business transactions were at loose ends; and so was his will.

There has been much talk about the extravagance of that son: he and his family certainly spent more than his father liked to see them spend; but their station in life and his father's example besides must be considered in judging them. The father's debts as well as his own had diminished the estate which he could expect independently of any will of the father. What William Jr., expectant or in possession, had at the date of the will, directly or indirectly, from his mother, must have been little besides certain lots or acres in the province, where so many unsold lots and millions of acres were not thought too great an inheritance for another son. By Springett's death, William Jr. had inherited Worminghurst, and, when he agreed to a sale of it, he is said to have received compensation, probably nothing but being allowed to retain Pennsbury. From the Admiral had come Shanagarry, apparently by an entail. It would seem that the expenses of the Founder of Pennsylvania had even cut down this Irish estate, and some of it remaining was jeopardized to make up Lætitia Penn's marriage portion. William Jr. joined in mortgaging it for that purpose, and perhaps other parts for other debts of the Founder, and never received Spingettsbury Manor, Philadelphia County, reported to Logan as to be given in compensation. Logan speaks in 1705 as if the mortgaged land was already gone. In a volume of Miscellaneous MSS. of the Founder is a rough draft of a financial agreement between him and his son, perhaps near in date to the sale of Worminghurst, mentioning that the settlement previously made on the son and his wife, perhaps one

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made at their marriage, was to yield them £170 per an. clear of quit rent, and that it had turned out to be £60 short. This was then to be made good out of the estate mortgaged to Aubrey. The elder Penn was to release his life estate, so that land in the occupation of Daniel Savill (in Ireland?) could be sold, and the value of said life estate was to be allowed by the younger Penn out of the £2500 "taken up on ye lands in Ireland." It seems therefore, but is not clear, that the elder Penn owed the younger £2500 before the sale of Worminghurst. John Page's affidavit of 1742 says, that, after the sale of Worminghurst, the elder Penn sold considerable real estate in Ireland, his son joining him, to Mr. Bernard, then Solicitor for Ireland, for paying debts.

There would have been a prospective equalization between all the children of the Founder, had Lætitia Aubrey received by will or otherwise a large estate from him. She was childless, and her landed property, if not sold, could have been expected to go to her brother of the whole blood, or to his family. Meanwhile, she had no Irish possessions, nor any likelihood of inheriting his. Vindictive as the will appeared, although not intended, against William Jr., its allowance of only 10000 acres to Lætitia was even more unjust, but yet in accordance with a discrimination, common in old times, against daughters.

William and Lætitia had had certain land in the "province," using that word to cover both the Province proper and the Territories, some of which land these children had bought, but all of which was nothing compared with what their half-brothers got. Had there been a valuation and schedule for equalizing, there would have been some offset against the younger children's share as well. John, who, at the date of his father's will, was expected to receive an estate from his grandfather Callowhill, and for whom Callowhill had

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designated 5000 acres at Manatawny, had, by the father's designation, 7000 acres there and 9840 acres called Bilton, in Chester Co., and about 10000 called Perkasie, in Bucks. Hannah Penn's children other than John do not appear to have had any lots granted to them by their father. As the private property of William and Lætitia is scheduled below, with what became of it, it will be seen, that, through bad management or necessary haste to realize the value at some given time, many pieces had already gone when their father made his will, others followed before his death, and the rest too soon for this elder branch of the family to have the wealth which might have been expected, inferior as it would have been to that of the younger, or Proprietary, branch.

In the list of first purchasers, prepared before 3, 22, 1682, William Penn Jr. and Lætitia Penn appear for 10000 acres in common, perhaps representing a part of their mother's advance to their father. At that time, Springett was the heir apparent of both father and mother. By warrant of 7mo. 13, 1683, William Jr. had surveyed to him the tract now covered by Norristown and Norriton Township, called in Holme's map William Penn Jr.'s Manner of Williamstadt, found on a resurvey, under warrant of May 2, 1704, to contain 7480 acres. His debts and the sale of this tract to Norris and Trent at the end of 1704 have been mentioned elsewhere. The city lot for William Jr. as a first purchaser was from Delaware Front to Schuylkill Front in the block next to South Street. Parts of this remained in the possession of his posterity until about the end of the XVIIIth Century. Gaskell Street is named after a branch. Lætitia had the tract on which was made the Valley Forge encampment in the Revolutionary War, called Manor of Mount Joy, marked for her on the map, found on a resurvey, under warrant during Penn's second visit, to cover 7800 acres. Above one

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third of the best of the land within the limits really belonged to others, to whom Penn confirmed it by patents, he excepting such pieces out of the patent of Oct. 24, 1701, to Lætitia. The right was expressly given to her to hold a court baron and view of frankpledge. Lætitia had patented to her on Mch. 29, 1701, the south side of Market from Delaware Front to Second, 172 ft. deep. On this was situated the town house built and occupied by Penn during his first visit, and with which the "Penn Cottage" now reerected in the Park has been identified. She undertook to sell her land even before her marriage, and some sales were made. This manor and the residue of this city lot were put into the hands of trustees to raise a marriage portion for her, her father agreeing to make up the proceeds to £2000, and meanwhile to pay 6 per cent. interest on the deficiency: and he was to have any proceeds over the £2000 and all the land remaining unsold after the £2000 were raised. Perhaps rather fortunately, those in charge were unable, for several reasons, to make early sales; so her father paid some money to her husband. Penn animadverts in letters upon Aubrey's impatience; but there is something to be said on Aubrey's side: a parent with property was expected to give a dowry to his daughter, a capitalized allowance towards the maintenance, and Aubrey, towards the end of 1711, having failed to receive the amount due, complained that he was a loser by matrimony; a fate which will bring him less pity from our more romantic age and country, than it probably did from his sordid or practical contemporaries. Aubrey, although mortgaging his own land for his father-in-law's benefit,—from which, however, there was no loss,—did not fulfil an obligation to add £4000 of his own to the marriage settlement, or even to invest for the purposes what Lætitia or her father had paid. Aubrey lost or spent most of what he had. Lætitia and her husband on July 10, 1730, conveyed what they had

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left of Mount Joy to Sir Alexander Grant, and, by some intermediate conveyances, it was vested in 1736 in her nephew William Penn.

William and Lætitia were also entitled to 50000 acres conveyed to Sir John Fagg in trust for them in equal moieties, and probably also representing part of their mother's advance to their father. Under a warrant of Feb. 17, 1699, 30000 of these acres were surveyed, partly in Chester County, and partly in New Castle County. The tract was named after Steyning, a place in Sussex, England, where there was a Friends' Meeting. The tract was divided. By patent of Oct. 23, 1701, Lætitia or her trustee received in severalty, as her half, 15500 acres, the lines covering some lots previously granted to others, and the said moiety, although often spoken of as Brandywine, from nearness to that Creek, was erected into the manor of Steyning, with manorial rights. Part is in the present township of Pennsbury, Chester Co. William Jr.'s residue called for by the warrant, being 14500 acres, was mostly within Kennett and New Garden townships. Through Logan, as attorney, he sold part of Steyning, and, perhaps without Logan's aid, he sold 500 acres of it to Rev. Evan Evans, the Rector of Christ Church: the rest of the 14500 acres, William Jr., by lease and release of Sep. 19 and 20, 1715, granted to ex-Lieutenant-Governor Evans, who, upon a settlement of accounts between them, reconveyed all but 2000 acres.

Towards making up the rest of the 50000 acres, 5000 acres in Chester County were laid out to William Jr., and 7175 adjoining these to Sir John Fagg as trustee for Lætitia. William Jr.'s were sold by his family in 1742 to John White of London. Lætitia's tract was reduced to 5000 acres and allowances, and became known as Fagg's Manor. It was not profitable to her, owing to encroachments of settlers. Although the warrant of 7, 15, 1701, ordered the laying out of 10000

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acres to William Jr. as his balance of the 50000, and although a plan is extant by which some of the manor of Gilbert was to be taken for the purpose, in addition to the 5000 acres in Chester County, which were surveyed or resurveyed under the warrant; yet Gilbert was disposed of otherwise, and 5000 acres remained unlocated, descending as such to William Jr.'s two sons successively. The second son received in 1731 a deed for the same with the license for making a manor, and for holding a court baron; but, without obtaining a location, he sold in 1742 to William Allen. Data are not at hand as to how Lætitia's balance of the 50000 was given to her.

Springfield Township, Montgomery Co., with its long strip giving access to the Schuylkill, is depicted on Holme's map as Gulielma Maria Penn's Manor of Springfield, more probably Penn's wife's than his infant daughter's. As an heir to either of these, and to Springett, William Jr. had the largest interest; Lætitia would have had a share, but the title to Gulielma Maria had not been perfected. Lots there were sold on behalf of the Proprietary, and what remained was covered by the mortgage of 1708 to Gouldney *et al.*, in which William Jr. joined. The same is true of the properties which he expected in recompense for joining in the Irish mortgage spoken of by Logan.

By lease and release of May 3 and 4, 1703, William Penn and William Penn Jr. conveyed to Daniel Wharley and Henry Gouldney in fee the Pennsbury estate, describing the land as being 4000 acres and upwards, to the use of William Jr. in tail male, with remainder to William Sr. in tail male, reserving to William Sr. and Jr. a power to sell. Pennsbury, however, was excepted from the mortgage, and descended to William Jr.'s sons and grandsons in succession.

We do not know at what time William Penn Jr. be-

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came a "member" of the Church of England, as he calls himself in 1718, but that he was baptized before July 14, 1706, may be inferred from his father's unsigned letter of that date, quoted in the chapter on the Funding of Penn's Debts. The letter contains the sentence, in which too much stress is not to be laid on the word "satisfaction:" "But my poor son may have this just reflection, and I the satisfaction of his seeing his conformity to the world to be his ruin instead of his advance." Beginning some time after the sale of Worminghurst, his wife and children made their home with his father and step-mother and her children, possibly by arrangement with the father; but, after the latter's condition became hopeless, William Jr. was generally on the Continent, and that he was dissipated seems to have been the contemporary belief, even after due allowance is made as to the expressions of the step-mother and Logan, for the former's horror at want of seriousness, and the latter's sorrow at neglect of business. If, as is very likely, William Jr. heard of the purport of his father's will in the latter's lifetime, disappointment may have made the former an aimless wanderer after the father's mental failure had precluded the possibility of an alteration, or resentment against the procuring of such a will in the father's unbalanced state may have taken the heir apparent from home. One of his letters before the father's death to James Logan, speaking of having parted with the person who had been a "great eyesore" to his family and friends, may mean that he had had a mistress, or may refer to paying his debt to Evans. Prior to the date, Logan, probably uninformed as to the will, mentions, in a letter to Hannah Penn, in 1715, having received a letter from William Jr., whose words were "somewhat like a reformation." Logan remarks that he would have pleasure in seeing William Jr. succeed to the Proprietorship, if he would show himself fitly qualified, and

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would exchange the estate in Ireland with Hannah's children. After the death of the Founder, William Jr. disputed the validity of the will or its operation to deprive him of certain expected estates.

One question, of much concern to the people of Pennsylvania and the Lower Counties, arose upon inspection of the first Proprietary's will, supposing the same to be valid; subject to sale as provided for, to whom did the powers of government go? Argument or objection could be made for or against five claimants. The devise to the two noblemen was only for the making of a sale: possibly they were to hold meanwhile; but, if the sale were never made, were they to act as Governors forever? All things inheritable which had not been devised, went to the heir-at-law. Did not, however, the devise of all hereditaments in America to the children of the second wife, cover this American Governorship? or was it not to be deemed given to the executrix as something converted into cash in the testator's intention? And, finally, as it had been contracted to be sold to the Crown, and money had been paid on account, was it not rightfully in the Crown, and the Crown a debtor for the balance of the consideration?

After the death of the Founder, William Jr. came over to England from France, and stayed a short time. He consulted lawyers, viz: Francis Annesly, John Hungerford, and G. Savage, who gave the opinion that the government had descended to him. According to William Jr.'s letter, moreover, his step-mother's lawyer, Robert Raymond, then took the same view. William Jr., styling himself Proprietary and Governor-in-Chief, issued a fresh commission to William Keith as Lieutenant-Governor, and sent it to Keith with a series of instructions, dated January 14, 1718 [O. S.]. The Council was to be immediately summoned, and to join with Keith in publicly making known William Penn Jr.'s

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accession to the government of the Province and Lower Counties, and in assuring the country of his affection and good wishes and intention to look upon the People's interest as his own. He thought it would be well if the present members of the Council were continued, for he would not have more alterations made in the government than were absolutely necessary. Mr. Logan was to be of the Council, and continued in his office. The remaining instructions were in these words, which are not those of an irreligious, impolitic, or dishonorable lordling:

"If you can procure a militia to be settled by law, slip not the occasion of doing it, but, as that country was chiefly at first settled by Quakers, I would not have them oppressed on any account.

"Protect the people under your care in all the rights, privileges, and liberties my father granted them by charter or otherwise, or that they ought to enjoy as Englishmen.

"Observe the law for liberty of conscience, which I take to be a fundamental one in Pennsylvania, and was one great encouragement for the Quakers to transport themselves thither, and to make it what it now is, for which they merit the favor of my family, as well as on many other accounts, and shall always have it when in my power; and this I desire you to let the people know.

"But as I profess myself to be a member of the Church of England:

"Therefore I recommend it to you to be careful of her interest, and that you encourage and protect the clergy, and employ where you can deserving members of that communion, for I think they ought to have at least an equal share in the administration of public offices with their neighbours of other persuasions.

"Discountenance all antitrinitarians and Libertines.

"Protect in their possessions such strangers as are

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settled amongst us, for the public faith is concerned in it.

"Let the law be your guide in all cases; and protect the officers of the customs in the discharge of their duty, and use the advice of the Council in all cases of importance."

When news of the death of Penn reached the colony, the Lieutenant-Governor and his Council deemed Keith protected in the exercise of his office by the Act of Assembly passed in 1712, and allowed by the Queen, entitled "An Act for the further Securing the Administration of the Government," whereby it was provided, that, "in case the governor-in-chief shall happen to be removed by death or otherwise, then it shall and may be lawful for his deputy or lieutenant for the time being to exercise all the powers of government as fully and amply as before, till further order from her Majesty, her heirs or successors, or the heirs of the said proprietary and governor-in-chief, which shall first happen." A proclamation of the death, and of this provision, and that the magistrates and officials discharge their duty as formerly, was unanimously voted on Nov. 3, 1718. A similar Act of the Assembly of the Lower Counties continued the government there. Keith now discontinued issuing commissions in the Proprietary's name, and began issuing them in the King's name.

Keith seems to have passed under the seal on April 25, 1719, without there being a meeting of the Council, a law levying for three years a tax on wine &ct. sold in quantity less than twenty-five gallons. In this bill, the first to become law after the death of William Penn, there was omitted in the enacting clause the description, formerly used, of Keith as "by and with the King's royal approbation Deputy Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania,"

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and there was substituted the description "Governor of the Province of Pennsylvania &ct."

On April 26, the day after the Assembly adjourned, the heir-at-law's commission and instructions arrived. Keith called a session of the Assembly, the Councillors, viz: Logan, Hill, Norris, Dickinson, Preston, Palmer, and Assheton, approving, and declaring, according to the minutes, that the most respectful and efficacious way of proclaiming the accession would be in conjunction with the People's representatives. Before the House met, there came the news of the probate of the will, and that Hannah Penn was disposed to let the noblemen recommission Keith, if they would, and also that she and the heir-at-law had agreed to have a suit in equity to pass upon his claim. Such a suit had been begun. The course for the Pennsylvanians to pursue was a problem, and in solving it there was no partisanship, but only prudence to act lawfully. While no doubt the Churchmen of the region had taken comfort at the prospect of a Governor-in-Chief of their own faith, they were no longer a militant faction. It was natural that the Quakers' sympathy should be with Hannah Penn, and particularly that of the Quakers in office. The leading Councillors had, during six years, looked to her for the direction of the government, and four Quaker Councillors were trustees under the will to sell lands. The Assembly still represented pretty much the same set of people as the Quaker Councillors, Councillor Dickinson being the Speaker. Keith, too, had received his office from her and her friends. Yet, on the other hand, apart from his welcoming a master not as close as Hannah Penn to Logan and others, Keith may be supposed to have had at heart, second to his fear of the King, a sentiment that the title belonged to the eldest son, just as his own father's baronetcy was to belong to him. Then, too, there was considerable respect for primogeniture even among the

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Quakers, who were Englishmen after all, and there is no doubt, that, had William Jr. submitted to punishment in 1704, the subsequent stories against him would have been doubted, his accession to the Governorship-in-Chief would have given general satisfaction, and he would have been hailed by those familiar with Shakspeare or the early chroniclers as another Prince Hal, who on a throne would do his duty. Predilections aside, the chief men, unable to choose their ruler, and foreseeing long litigation, were met by the following question: "further order," as called for in the Act of Assembly, having been received from one who was at common law "heir of said proprietary and governor in chief," could any powers of government be exercised except by virtue of the new commission? The Assemblymen, however, noticed that the commission sent over from the heir-at-law was not accompanied by the necessary requisites under the laws of Parliament relating to Trade for acting in such a station. The House replied that it would contribute to peace, and be safe for the Governor, to forbear publishing the commission, and, instead, to act under the law of the Province, until he could learn the wishes of the trustees appointed to sell the government, or until he received a decree from the Lord Chancellor. When Keith laid this answer before a full meeting of the Council, a majority, we are told in the minutes, "of above two to one," thought, that, as the Assembly held these sentiments, "the immediate publication of the commission in opposition thereto would be more injurious to the interest of Mr. Penn by raising divisions in the country, from whence disadvantageous representations to the Court and Ministry at this critical juncture might be made," than a short delay, and it was decided to wait until the Lieutenant-Governor "receive further directions from the heir." It would seem from the phrase "above two to one," that seven agreed to something like this ex-

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pression of opinion, in which this solicitude for William Jr.'s interest seems hypocritical; while three wished to give this claimant the unfair advantage of recognition by the Deputy. The seven men may be supposed to have included Logan, Hill, Norris, Preston, and Dickinson, and the three certainly included Assheton. The attitude of any one of the others present, Yeates, Trent, Palmer, and French, we have not the means of knowing. The Lieutenant-Governor wrote to Secretary Craggs, and, the matter being referred to the Board of Trade, a report was made by the Lords Commissioners to the Regents of Great Britain, in King George's absence, that Keith had done right in declining to act under the new commission, particularly as such a commission was a new nomination, and required the royal approbation anew, with a fresh entering of security. The Commissioners, referring to the agreement for surrender of the Province, expressed the view that all occasions should be laid hold of to bring the Proprietary colonies into the hands of the Crown, and recommended, that, in the meantime, Keith, having behaved himself well, be continued under his present commission, until the present Proprietor and the Trustees settled their differences. The report was approved of by the Regents on July 30, 1719, and they directed Keith to act under the former appointment until the settlement of such differences, or the further signification of the King's or the Regents' pleasure.

Owing to the dispute in the family, and to the unwillingness of the two noblemen to meddle, and to the order from the Crown, possibly the true owner, Keith was for some years out of danger of removal. Also the aforesaid order of the Regents allowed him the pretence of holding by royal appointment, a claim, which, as to the Lower Counties at least, was more than a pretence. To make the post a pleasant one, it was necessary to maintain friendly relations with the two

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Assemblies only. The Assembly of Pennsylvania nearly every year responded by voting him 1000*l.*, a salary which then amounted to more than in the XIXth Century was paid to the Governor of any but a few large states in the American Union. It was the sum indicated by William Penn Jr. in 1716 or 1717 as suitable for a man of Keith's degree &ct. To gain this, Keith was at the risk of loss under his bond for £1000 stg. to observe instructions, among which was to act in all things of moment under the advice and approbation of the Council.

To make himself popular in the Lower Counties at the expense of the Propietaries' land agents, so his successor, Gordon, thought, but possibly with the honest design of making the Penns popular, Keith had early prepared an Act of Assembly for that part of the dominion remitting all arrears of quit rents. These rents had been felt to be onerous or claimed by doubtful right, had been the subject of opposite claim and warning by the Lords Baltimore, and had by no means been generally paid. Hamilton had proved his skill as a lawyer, about the end of 1712, by managing a replevin case growing out of an attempt to collect from Berkeley Codd in Sussex County. Hamilton had baffled the other side, "tho' he thought not fit to suffer it to proceed to a trial for want of better tackle on our side," and because Logan was afraid to show in court the Duke's deed reserving a moiety of the quit rent and a right to distrain. Naturally the agents did not think themselves authorized to remit as Keith proposed. Afterwards the Assembly established a separate seal for Delaware, making use of the seal belonging to the Naval Office at New Castle, and in the enacting clause of laws there was an omission of all reference to any superior or titular Governorship in the Penns. As late as 1729, according to Keith's successor in office, no Acts of the Delaware Assembly, since the legislative

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separation from Pennsylvania had been submitted to the Crown. The Governor's Council was not consulted by Keith as to the affairs of Delaware.

Rather a bold stroke was Keith's suspension from the Council on Nov. 7, 1719, of Robert Assheton, one of the Penn kindred and natural partisans. This was upon the charge, denied however by him, of divulging the debates, and of writing to the heir-at-law that Keith had slighted his commission with the design of ousting him, and of getting the government for himself.

For a number of years following the agreement for surrender to the Crown, there was no regularity in the presentation of the laws even of the Province to the Sovereign for approval. Partly because there was no one to make a fight for them, partly because, as explained elsewhere, some were temporary, and would expire before the five years ran out, and those ostensibly permanent, on the other hand, were good for the five years, nearly all laws remained neglected except such as were to somebody's interest to have disallowed or confirmed. The exemplifications, if sent, lay neglected in the office of the Board of Trade. Towards the end of 1739, the Board took up the subject of these overlooked laws, and submitted sixty-seven to its counsel, Francis Fane. To many, he made no objection: as to all others over five years old, the King apparently never acted. Most of Keith's laws so remained in force, even that hereinafter mentioned of Aug. 26, 1721, as to leather and shoes, and one of May 5, 1722, imposing a duty on convicted felons imported, and requiring the importers to give security for the convict's good behavior for one year; both of which acts were deemed objectionable.

Less confusion than might have been expected resulted from the repeal by the Crown on July 21, 1719, of Gookin's laws for holding courts. The Councillors, attended by Chief Justice Lloyd, advised the acting

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Governor to commission afresh the Justices of the Counties, requiring them to hold Courts of Common Pleas and Quarter Sessions on the days named in the repealed law, and to proceed according to the common law and the law of the Province. By the confirmed Act for the Advancement of Justice, the right to qualify by saying "in the presence of Almighty God" had been preserved.

Before the litigation in the Penn family was far advanced, William Penn Jr. died, of consumption, on June 23, 1720, at Liége, Belgium (Lipscombe's *History of Buckinghamshire,* quoted by Jenkins). The *American Weekly Mercury* of Philadelphia, printing news from London of July 7, 1720, mentions the death as occurring "lately" at Liege of a consumption and imposthume in his lungs after six months sickness. His wife, besides his three children mentioned in the Founder's will, survived. Springett, the eldest son, kept up his father's claim.

Hannah Penn petitioned the Regents of Great Britain on Sep. 13, 1720, to declare their intention whether the agreement for the sale of the powers of government should be perfected, and to order that the title and interest in the soil of the Lower Counties be strengthened and confirmed, and to give a peremptory order to enforce the settling of the limits with Lord Baltimore according to the Order in Council of 1685. She stated, that, as she would be thereby enabled to recover the quit rents of said Lower Counties, she would be capable, if required, to pay the Crown a settled quit rent for the same, or, in place thereof, to make abatement of the sum agreed upon for the powers of government. The petition was referred to the Lords Commissioners for Trade and Plantations to consider the part relating to settling the boundaries, and report what they should conceive fit to be done therein. The Lords, on Sep. 8, 1721, representing the

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state of the colonies, offered the opinion that it would be well to have the agreement for the surrender carried out by payment of the balance due, and inquired whether the half of the rents, issues, and profits arising from the Lower Counties ought not to be accounted for and made part of the payment. It being necessary to continue the litigation to preclude all future attack upon the Founder's will, Hannah Penn brought a bill in the Court of Exchequer against Springett Penn and all others interested, setting forth that Springett had asserted that the will was not made by William Penn, or, if it was, he was *non compos,* and that he had settled the lands and hereditaments on William Jr. The bill prayed the proving of the will and establishment of the trusts, including that to sell to the Crown, or, if the King was discharged from the agreement, for the trustees to make sale to some other person.

A law enacted by Keith on Feb. 24, 1720-1, provided, that, before the foundation of any building in Philadelphia were laid, the City's regulators should prescribe the thickness of the wall, and that it should be built equally upon the lands which it was to bound, and that the owner of the adjoining land, upon occasion to use the wall, should reimburse the builder half the cost. In the language of Chief Justice Read about a century and a half later, this "laid the foundation of the Pennsylvania system of party-walls, a great and radical improvement upon the principles of the common law as expounded by the English courts and those of Massachusetts and New York."

While in Virginia on April 22, 1721, Keith appears first addressed or described as Sir William Keith, Baronet. It seems a joke, that, from that rank, Bart Township, in Lancaster County, derives its name, given in memory of him. His father had died encumbered with debts, so that, in Scotch legal phraseology, "his creditors came to a ranking." Logan writes in the

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following year: "that top knot K-t-d [knighthood, which accompanied a baronetcy] has made a large alteration without, tho' it appears the same always lurked within." The only Governor or Lieutenant-Governor of Pennsylvania who had this distinction during his incumbency, if, indeed, he therefore became more spirited in his treatment of the local grandees, was the only Lieutenant-Governor who posed as the champion of the People.

The colony composed of Pennsylvania and the Lower Counties was not at this time flourishing: and, although perhaps the Delawareans were disposing of as much tobacco as formerly, and furs and skins were occasionally transported, flour, naturally the greatest product, was no longer a source of wealth. Pennsylvania flour had once sold higher than that of neighbouring provinces, but in the early part of the XVIIIth Century, the millers became so careless or tricky, that, in the absence of an inspection, such as was practised in New York, this staple incurred a bad name, as may have been supposed by the reader from Gookin's reference to the subject in his speech to the Assembly in 1713. By 1721, while New York flour was selling readily for 40*s.* a barrel, Pennsylvanians could get only 30*s.* for the best of theirs, and, for disposal beyond seas, were sending it to some other colony, to be shipped as that colony's product. Jamaica had been lost as a market. This involved the loss of most of the profitable trade of Penn's dominion. Thus money was not coming in; and those who had not become rich in the days of general prosperity, were in deplorable condition.

On Aug. 26, 1721, the Assembly, about to adjourn, induced the Lieutenant-Governor to enact a law prohibiting all persons but tanners from buying unwrought hides or calf skins in the hair, all tanners from being shoemakers, and all persons from exporting leather or raw hides the growth of the province, except to be

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wrought up in New Jersey or Delaware; also regulating the making of boots, shoes, and slippers, and limiting the price of tanned leather to 9*d.* per pound, of men's shoes to 6*s.* 6*d.* per pair, of women's shoes to 5*s.* per pair, and of children's shoes to proportionate prices as fixed by the Mayor's Court or the Quarter Sessions.

The discontent generally felt against the government in hard times, and a revival, it would seem, of the leveling spirit of Quakerism, were strong enough in 1721 and 1722 to put the wealthy coterie out of the Assembly, without any political questions being before the People. In 1721, the election resulted in a considerable change of members. The Lieutenant-Governor told the House that he believed this change to have proceeded from the People's belief in his desire to serve them. Although this would naturally mean either that Joshua Carpenter and Francis Rawle, the most prominent of those chosen, were his personal friends, or that Hill, Norris, Trent and Dickinson, who had just lost their seats, were inimical to him; yet it may have been designed as an adroit method of declaring that he looked upon all the new members as his friends, and of putting himself on the popular side. As was clearly the case when he addressed the Assembly of the next year, he may have been particularly anxious to counteract the Quakers' and proletariat's dislike of any man's name being prefixed by "Sir." Sir William went on to say that he hoped that those would be disappointed, if there were such, who imagined the change was intended to straighten the Governor with unreasonable demands and a narrow support. Clement Plumsted, William Fishbourn, and Rees Thomas, William Aubrey's brother-in-law, also ceased to be members, while Anthony Morris Jr. was Joshua Carpenter's colleague as a representative of the city district. Comparing those chosen in 1721 with those chosen in 1720,

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we find a number of the latter reelected, viz: Robert Jones, Samuel Carpenter (son of Joshua), and Morris Morris from Philadelphia County, Jeremiah Langhorne, John Sotcher, and William Biles from Bucks, and Samuel Levis Jr., Isaac Taylor, and Israel Taylor from Chester. Besides the before mentioned Joshua Carpenter, Francis Rawle, and Anthony Morris Jr., those who had not been in the Assembly of 1720, but were in that of 1721, were Benjamin Duffield, John Swift, William Tidmarsh, and Benjamin Vining from Philadelphia County, Joseph Fell, Abel Janney, Bartholomew Jacobs, Thomas Canby, and Joseph Kirkbride Jr. from Bucks, and William Pyle (spelt Pile in the printed *Votes of the Assembly*), Henry Oburn, and Nathaniel Newlin from Chester. Langhorne was unanimously elected Speaker.

The Council met rarely after this, except for Indian matters. On Nov. 23, 1721, the Lieutenant-Governor proposed Henry Brooke for membership, to supply the place of Jasper Yeates, decased. All present, Hill, Norris, Preston, Dickinson, Masters, and Logan, assented, and Brooke qualified at the next meeting.

The right to discuss in print the affairs of government was not recognized at this time. Francis Rawle, before mentioned, wrote a pamphlet, entitled "*Some Remedies proposed for restoring the Sunk Credit,*" and had it published by Andrew Bradford, who had established himself in his father William Bradford's trade in that city where William Bradford had been interfered with by Gov. Blackwell, as in the chapter on Government under the Frame of 1683, and had fought for the liberty of the press, as in the chapter on Religious Dissension. Andrew Bradford, now in his turn, had to answer for using such means to stir up the inhabitants. On Jany. 19, 1721-2, he was summoned before the Council for examination concerning the printing of the pamphlet, and also of a paragraph in

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his newspaper, the *American Weekly Mercury*, expressing a hope for action by the Assembly to repair the credit of the Province. He appeared on February 1, and declared that he knew nothing of the publication of the pamphlet, and that, as to the newspaper paragraph, it was set up by his journeyman without his knowledge. The Lieutenant-Governor dismissed Bradford with a command to print nothing without the consent of the Lieutenant-Governor or Secretary of the Province relating to the affairs of any of the English colonies.

It has been shown in the last chapter, that, down to the beginning of 1722, the Lieutenant-Governor and Logan and the other Councillors were cooperating in regard to the Indians.

The real estate business of the Penn family was out of the reach of doubts about the government, and even of the question of the validity of the Founder's will, for the mortgage of the soil was unpaid, and the powers given by the mortgage were being exercised. The Commissioners of Property, acting, it appears, on the strength of their old appointment from Penn, continued to manage the location and patenting of the lands sold by him. The same persons, being attorneys for the mortgagees, made new sales in liquidation of the mortgage.

Not disposed to recognize an exclusive right in Hill, Norris, and Logan, the surviving Commissioners, to direct surveys, Keith bought an old right to 2500 acres about the time of a report coming that there was a deposit of copper ore on the other side of the Susquehanna, and he started for the frontier, to have some of the 2500 acres located, taking with him Jacob Taylor, the Surveyor-General. The sudden purchase and the high price paid, aroused Logan's suspicions that Keith intended to secure the mine, and to forestall in this instance the usual reservation of all specially valuable

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land for the Proprietaries. Keith afterwards reported to the Council, that, hearing on his way that some persons acting under a Maryland title were about to survey on the river fifteen miles above Conestoga, he proceeded to the spot with the Surveyor-General, and, warning the intruders to desist, had 500 acres of his own purchase surveyed there on April 4 and 5. The Lieutenant-Governor then went to reassure the Indians at Conestoga, alarmed at the appearance of Marylanders, and stipulated that no person should make surveys on the western side of the river. Notwithstanding a personal warning from the Lieutenant-Governor, Philip Syng, lately settled in Philadelphia, had 200 acres surveyed to him under a Maryland warrant within the limits of the Keith tract; for which attempt "to defraud the Proprietor of this Province of his just rights," Syng was arrested and committed for trial. The Commissioners of Property, however, under date of April 5, issued a warrant to James Steel and Jacob Taylor to survey 2000 acres, covering the supposed mine, for the trustees under the will until the mortgage should be paid off, and then for the heirs and devisees of the late Proprietary. Steel finding Taylor at Conestoga, the two, after some opposition from an agent of Sir William, made the survey on April 10 and 11, duly returning the warrant to the Commissioners on the 16th. On the last named day, the Lieutenant-Governor in Council complained of this survey, and was told by the Commissioners, that, as it was a matter of property, it was not within the cognizance of the Council. He was not at once stopped by the interference of the Commissioners. He offered a share in the mine to Logan, who was proof against a bribe. Logan advised the Penns, on the other hand, that, if perchance Sir William offered a share to them on any reasonable terms, it would be well for them to take it, as the enterprise would be better in his hands

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than in any one else's. Probably nothing of this kind was done, the mine becoming a sink of money. There was a converted Jew, or "fashionable Christian proselyte," as Logan calls him, Isaac Miranda, whose brother was then or later in the service of the Grand Duke of Tuscany. Sir William sent Isaac abroad, probably merely to the British Isles, to interest capital in the venture. Isaac returned unsuccessful. He will be mentioned later. Sir William called the settlement Newberry, after his wife's family, which name is still attached to the site or adjoining land.

The Assembly determined to raise the quality of the flour exported. By Act of May 12, 1722, bolters and bakers were required to brand every cask of flour or biscuit for transportation with their registered brand mark; and all wheat for transportation after June 1 following was to be of due fineness, and honestly packed in casks of seasoned timber, and weighed by standard weights. Samuel Carpenter, son of the deceased Samuel, was to execute the law, subject to appeal; and the law was to remain in force three years. This and a supplemental act were not submitted to the Crown. In May, 1722, the legislative authority, the Lieutenant-Governor included, also undertook the fostering and superintendence of other industries, prohibiting the use of molasses, coarse sugar, or extract of sugar, honey, foreign grains, Guinea pepper, or syrup boiled up to the consistency of molasses, or any unwholesome ingredients in the making of beer or ale, and also giving a bounty on hemp fit for exportation: on the other hand, in the Act relating to beer, the English statutes against combinations, such as those of brewers, retailers, victuallers, and butchers, to advance the price of grain and provisions, were ordered to be put in force.

An Act of the same month, permanent in effect, provided for the courts of Pennsylvania.

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Keith, on May 18, 1722, restored Robert Assheton to his former place in the Council, and at the same time appointed William Assheton, Robert's son. William Assheton, unlike some others who held the Judgeship of our colonial Admiralty Court, was learned in the law. Apparently he was the immediate successor of Quary; for we find books marked by the bookplate of "William Assheton of Gray's Inn, Esq. Judge of the Admiralty in Pennsylvania 1714." These additions to the Council, perfected by both taking their seats on May 22, were made without asking the consent of the other members: so, although they had no dislike for the new member, and would have agreed to him, on account of his relationship to the late Proprietary, they felt, that, with no actual voice in legislation, or in the selection of their fellow members, they were really ciphers in the government, until, by a vacancy in the office of Lieutenant, the executive duties should devolve upon them.

There was further assumption by Keith of the business of the Land Commissioners. On June 15 and 16, 1722, he with John French and Francis Worley met the Conestoga, Shawnee, and Ganawese chiefs at Conestoga, and, in view of the attempts to acquire land on the other side of the Susquehanna, obtained their consent to the surveying of a large tract there for Springett Penn, represented to them as being lord of all the country in place of his grandfather, their friend William Penn. Springett Penn, they were told, would be glad to let them have any part of it for their own use and convenience. The consent was granted with the understanding that the Lieutenant-Governor would at Albany make it right with the Cayugas, who, alone of all the Five Nations, claimed any lands on the Susquehanna. Leaving Conestoga on the next day, Sunday, for Philadelphia, with the object, he said, of getting the Council's advice, he heard after he had gone

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twenty miles towards Nottingham that two officials of Chester County had been seized, and taken to Maryland, and made to promise to appear at the Cecil County Court, and also that a party was to set out at once from Baltimore to survey in the same region as spoken of to the Indians a manor for Lord Baltimore. Returning to Conestoga, and seeing there was no time to lose, the Lieutenant-Governor of Pennsylvania issued a warrant, by virtue of his powers for the preservation of his Majesty's peace in this Province, and there were surveyed on June 19 and 20, 75520 acres abutting on the Susquehanna above a point opposite the mouth of the Conestoga, as the Manor of Springettsbury. The warrant recited that it was reasonable and agreeable to former treaties with the Indians that a sufficient quantity of land on the southwest side of that river be reserved in the Proprietor's hands for accommodating the Conestogas, Shawnees, and "Cawnoyes" when they might think proper to remove further from the Christian inhabitants. There was thus occasion besides what was mentioned in the last chapter for holding the treaty at Albany. Everything seemed to be in proper shape with the Indians when finally, in May, 1723, the acting Governor and Council, on hearing that the Shawnees on the upper Susquehanna intended shortly to pay a customary visit to the Governor of Canada, whom they called their "father," warned them against being joined to any nation or people but the English.

The officials taken to Cecil County, Maryland, were Isaac Taylor, Surveyor, and Elisha Gatchell, a Justice: they both ultimately were let off.

Apparently expecting William Penn's will to be declared valid, and anxious to secure a good location for the 10000 acres devised to Lætitia Aubrey, her husband had asked Rees Thomas Jr. to attend to this, and the latter, in 1722, selected and marked out a tract of

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that size at Tulpehocken; and it had been thought by the trustees under the will better to connive at this interference with their authority. The encouragement given by Keith, perhaps in ignorance of this, to the Palatinates from New York to move to this part of the frontier of Pennsylvania, may be excused as a step to get settlers and eventually purchasers, and perhaps intended as an application of Logan's Donegal expedient, but was resented by the agents of the Penns as a meddling with their real estate business and Indian relations. The Palatinates, moreover, came upon Lætitia's tract, too numerous and too resolute to be evicted. Afterwards, when the twelve trustees appointed by the will had been reduced by death to four Americans, Hill, Norris, Preston, and Logan, and they undertook to perform their duty of selecting and conveying the tracts devised by Penn, they agreed to confirm this one to Lætitia, counting upon the willingness of the occupants to pay an annual rent or a reasonable price.

The "hard times" of 1721 continued through the succeeding year. Keith, in his *Discourse on the Medium of Commerce,* published some years later, says that in 1722 over two hundred houses in the City of Philadelphia stood empty, and many of the laboring people daily were leaving, the shopkeepers had no money to go to market, and the farmer's crop was at the lowest value, so that all European goods, as well as bread, flour, and country produce, were monopolized by four or five rich men, who retailed them at what price they pleased, and had the whole country in their debt at eight per cent. interest. It was natural, therefore, that what Logan calls "a mobbish spirit" again prevailed at the election of that year.

Lieutenant-Governor Keith, in addressing the Assembly in 11mo, 1722–3, said: "We all know it is neither the great, the rich, or the learned that compose

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the body of the people, and civil government ought to protect the poor, laborious, and industrious part of mankind in the enjoyment of their just rights and equal liberties and privileges with the rest of their fellow creatures." He urged his hearers to find out the cause of the multiplicity of expensive and vexatious lawsuits beyond what was ever known in the Province before, and suggested the amending of the law of attachments, the severities of which had been used, he was informed, in cases never intended. Accordingly, the Assembly passed an Act, which he approved, and which the Crown allowed, for rectifying such proceedings. This provided that no writ of attachment was to issue against any inhabitant, except upon oath or affirmation that the defendant owed the plaintiff 40*s.* or more, and had absconded for six days with supposed intention to defraud his creditors, he not having sufficient real estate to pay them: all lands, goods, chattels, and effects were to be attached; and no second attachment could take place, if the first had been served and not dissolved, but the property was to be disposed of for the benefit of all creditors in proportion to their claims, and the surplus, after paying them and the expenses, was to be returned to the debtor. On March 2, a law was passed that no freeholder should be arrested in any civil action, unless in the King's case, or where a fine would be due to the King, but that the original process should be a summons, to be served ten days before the day to appear, and, on a failure to appear, the plaintiff could enter judgment. The Act was not to apply to persons other than residents of at least two years' time with fifty acres of land, ten of them cleared or improved, or with a dwelling house worth 50*l.*, nor to any freeholder against whom an oath or affirmation set forth that he had not sufficient clear real estate in the province to pay his debts, or that he was about to sell same, and abscond, or that he was about to make

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fraudulent conveyance to cheat his creditors. Moreover, no member of Assembly was to be arrested in a civil action during its sitting, or within fourteen days before or after. Against both of these acts, as well as a law for regulating fees, Mrs. Penn appealed for the royal disallowance, after being successful in removing Keith: but the act directing a summons was the only one disallowed. Meanwhile, it had been reenacted, with the safeguard of arrest being permitted under additional circumstances. An Act of Assembly passed also on March 2, 1722–3, forbade, where security were given, the issuing of execution until June 25, 1723, and stayed until renewed the writs of execution for imprisoning debtors who had given security for the debt, or who were owners of land of that value in the province, and were willing to sell or mortgage to make payment.

The legislators, while so protecting honest persons owing money, undertook to end the wide-spread distress from scarcity of what was a legal tender, by a measure to be described in the next chapter.

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CHAPTER XXI.

Paper Money.

Paper money of the other colonies—Rawle's suggestion for issue to landowners—Keith supports the measure—Scheme established by Act of Mch. 2, 1722-3—Interest on private debts reduced to six per cent—Value of Spanish gold pieces fixed—Keith's business undertakings—A showman allowed to perform—Baird appointed Secretary and Clerk of the Council—The Lower Counties issue 5000*l.*—Further legislation by Pennsylvania as to the loans, and issue of additional 30000*l.*—The interest pays expenses of central government—Prosperity revives—Law to improve breed of horses—Final permission to Quakers to qualify without referring to God in the affirmation—Hannah Penn's instructions—Keith refuses to obey—Spotswood intercedes with her on Keith's behalf—Keith reveals to the Assembly the Instructions, and the Assembly commends his stand—His weakness politically in the colony—Successful proceedings to have him superseded—The Commissioners for Trade allow the paper money laws to stand, but warn against further issue—Pamphlets for and against Keith—Lieutenant-Governor Patrick Gordon—Keith elected Assemblyman, but Lloyd made Speaker—Thwarting of the Collector of Customs—Gordon converted to paper money—Death of Hannah Penn, and her appointment of her children's shares—First Proprietary's will judicially established—Agreement by Hannah's children—Quarrel of the Moores, the Admiralty Judge, and the Lieutenant-Governor—Death of Rawle—Elections—

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Sir William Keith goes to England—Is first to suggest Parliamentary taxation of America by stamps—His subsequent career.

Governmental promises to pay had been usually issued in the various colonies to obtain what was required at once in anticipation of raising its cost by taxation, when the promises would be redeemed: but there had been on several occasions a large quantity issued and loaned to individuals, particularly on real estate security, for the chief purpose of adding to the amount of money in circulation, and sometimes for the additional purpose of raising an income from the interest paid by the borrowers. The government of Pennsylvania had not, down to Keith's time, provided such additional means of exchange; although a petition of several inhabitants, merchants, traders, and others, was presented to the Assembly of Pennsylvania on Feb. 24, 1714-5, for a law for raising a fund of paper bills, with also an essay for putting the same in execution. What was the method suggested, whether by a loan to real estate owners on mortgage, making what was called a "land bank," is not known. This plan was adopted by Rhode Island in 1715, when, passing its earliest act on the subject, it provided for a loan for ten years at five per cent interest. Neither that act nor the one in 1721 for further bills made what was issued a legal tender, but the same circulated.

Francis Rawle's pamphlet, mentioned in the last chapter, advocated for Pennsylvania the creation of money by public authority, instead of dependence upon coined metal intrinsically worth or nearly worth the face value. He argued that there was not enough silver and copper in the province, and that it was impossible to bring in the amount required by the community either by recovering trade already lost, or by forcing a new trade, and that it would take too long

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to bring about an influx of gold and silver by raising its value. The pamphlet suggested, that, to keep the paper money equal in value to gold and silver, it must, among other features, arise from a fund, and, therefore, as private offices, particularly that at Westminster, were by letters patent allowed to lend on the security of real estate, goods, wares, &ct., the Province should lend a certain quantity of bills on the security of land, interest equal to that paid for gold and silver and an instalment of the debt being paid annually, while the Province itself could issue some of the bills to pay for public requirements, and from a tax could be enabled to get in and sink such bills. Pennsylvania in establishing paper money adopted in substance the project of Rawle.

It did not commend itself to the "safe and sane" Councillors: and probably, had these members of the creditor class and these agents for the greatest creditors of the inhabitants, the Proprietary family and the mortgagees, been allowed a veto upon legislation, no such money would have been made a legal tender. Sir William, on the other hand, supported his friend Rawle, and carried the measure through.

On the petition of freeholders and inhabitants of the City and County of Philadelphia, the Assemblymen chosen in 1722 turned their attention to paper money to add to the circulating medium, although counter petitions urged instead that the price of current money be raised, and its exportation prohibited, and that the produce of the province be made a currency. This last suggestion was in accordance with the practice of early times in the colonies, when, for instance, the salary of ministers in Virginia had been so many pounds of tobacco. Norris and Logan were allowed to read a paper before the Assembly on the danger of ill concerted methods. They spoke of the absolute necessity of establishing the bills of credit on a founda-

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tion to make them of the same value as real money, and said that they should not be issued on any easier terms than gold or silver would be lent. Keith wrote to the Speaker offering his assistance to any committee on the subject; and, about ten days after Norris and Logan read their paper, Keith answered it, saying that the nature of credit and the practice and experience of the greatest banks of Europe directed that all such bills be issued at something below the usual rate of interest, the difference being a premium given by the public to encourage circulation. He thought that half the value of land and one third of that of a house, or of personal estate, and nearly all the amount of the principal of a ground rent, could safely be lent, whereas, if too great security were demanded, it would frustrate the design of relieving many persons who had small means. Norris and Logan made a reply.

After many votes, the plan was perfected; and, on March 2, 1722-3, was formally passed the first authorization of Pennsylvania paper money, an Act for Emitting and Making Current 15000*l.* in Bills of Credit. By drastic sections of the Act, these bills were to be legal tender for eight years; afterwards the Province was to redeem them. They were to be of denominations from one shilling to twenty shillings current money of America according to the Act of Parliament for ascertaining the rates of foreign coin in the plantations, four thousand bills being for two shillings six pence. Charles Read, Francis Rawle, Benjamin Vining, and Anthony Morris or any three of them were to sign the bills, and to deliver them to Samuel Carpenter, Jeremiah Langhorne, William Fishbourn, and Nathaniel Newlin, Trustees of the General Loan Office of the Province of Pennsylvania. These Trustees or any three of them were to lend 11000*l.* of the issue, in sums not exceeding 100*l.* or less than 12*l.* 10*s.* to any one person, on mortgage of clear real estate—lands

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and ground rents of double the amount in value, houses of three times the value—at five per cent per annum interest, the principal to be paid in instalments of one eighth annually. In case of default, the Trustees were to sue out the mortgages. The interest and the instalments were payable either in such bills, or in current money of America. The money over and above the interest could be paid out in exchange for bills presented. The bills returned on account of principal were to be sunk and destroyed. The money received as interest could be spent by the Assembly. Bills to an amount not exceeding 100*l.* to one person could be lent for one year at five per cent interest on silver ware at 5*s.* per oz. The Provincial Treasurer was to receive 2500*l.* of the 15000*l.* issued, and to pay the debts of the Province, said 2500*l.* being sunk as collected from the excise and imposts. The Counties were to receive in all 1500*l.* for public works, to be repaid by a tax of 1*d.* per *l.* every year as long as necessary.

On the same day that the legislature provided for lending Provincial paper money at five per cent, interest on debts between private individuals was reduced from eight to six per cent, the penalty for usury being the forfeiture of the debt, one half to the Governor for support of government, and the other half to the informer.

In a supplement, passed on March 30, 1723, to the Act for issuing bills of credit, the government ordered that Spanish pistoles and other pieces of coined gold should pass at no other rate than 2*d.* 3 farthings per grain or 5*l.* 10*s.* per oz.

Sir William Keith was the only Lieutenant-Governor under the Penns who engaged in business ventures of a kind to develop the natural resources of the dominion, and may even be accorded a place for the time between William Penn and Robert Morris in the line of great speculators associated with Pennsyl-

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vania, who, although since deservedly more celebrated for what they accomplished than for their financial failures, brought themselves and some associates to grief. Not only did Keith project a distillery at Horsham, as mentioned in Chapter XVIII, and dig for copper, as mentioned in Chapter XX, but, before and after the adoption by the People of paper-money, made extensive purchases in New Castle County in the neighbourhood of the Iron Hills, and, in the early part of 1724, established a mill for working iron ore. In later life, he is seen preparing to found a colony on or near the Ohio.

This Assembly was not quick to give the Lieutenant-Governor any salary. It was finally carried by a majority of one to allow him 1000*l*. This was on Mch. 30, 1723, the day that certain laws were passed, among them being a schedule of fees, making a reduction in nearly every case.

Various laws of the Province prohibited stage plays and amusements, not only bull-baiting, bear-baiting, and cock-fighting, but such as were neither immoral nor cruel, as bowls, billiards, and quoits. Macaulay has said of the Puritans that they opposed bear-baiting "not because it gave pain to the bear, but because it gave pleasure to the spectators." Quaker legislation as to games was, indeed, scarcely stricter than Henry VIII's, but Quakerism discountenanced excitement. A wandering showman arrived in Philadelphia, and set up a stage just below South Street, where he was outside of the jurisdiction of the City Corporation, composed so largely of staid Quakers or ex-Quakers. At the desire of the Assemblymen, the Speaker, Joseph Growdon, on March 30 aforesaid, after the other business with the Lieutenant-Governor was over, asked him to prohibit any performance. This he declined to do, but undertook to see that good order should be kept. So the actor issued his playbills, and gave what is supposed

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to have been the first entertainment in Pennsylvania that might, by any stretch of the word, be called theatrical. As the man who entertained by his "Comical Humour" at the end of April in the following year "at the New Booth on Society Hill" (see advertisement printed in Scharf and Westcott's *History of Philadelphia* from the *American Weekly Mercury*) called himself the audience's "old friend Pickle Herring," he may be presumed to have been the owner of both shows; and, except in not having the "Roap-Dancing" which the advertisement calls "newly arrived," the performance of 1723, may have resembled that of 1724, including story telling, tricks, and a woman's spinning around rapidly for a quarter of an hour with seven or eight swords pointed at her eyes, mouth, and breast. Keith himself went to one or more performances, and this caused a shaking of Quaker heads, although, as far as is mentioned, not troubled by the danger to the performers. Logan was Mayor that year; but, although he would have liked to do what perhaps was expected of him by those whom he called the "sober people of the place," he decided not to embroil himself with the Lieutenant-Governor, on a question, it appears, whether the Mayor's power as a Justice extended beyond the city limits.

Keith, however, was not disposed to bear with Logan. The minutes of the Council for years had been very much a running commentary by whoever wrote them, until, on Mch. 6, 1721-2, it was agreed, upon the Secretary's motion, that in future they should be approved before being entered in the Council Book. Logan, as Secretary and Clerk, preparing the rough minutes of April 16, 1722, for his deputy, George Barclay, to transcribe upon approval, wrote down some strong expressions, which were deemed insulting by Keith when he saw them in black and white, as he happened to do some time afterwards, on going over

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the accumulation of unconsidered minutes. The Lieutenant-Governor accordingly, about April 7, 1723, appointed his friend Patrick Baird (misprinted as Peter Baird) to be Secretary and Clerk of the Council, thus getting rid of Logan in that capacity. Reporting this to the Council on May 20, the Lieutenant-Governor promised to give his reasons later, but he appears not to have done so, until, under date of Sep. 24, 1724, he wrote to Hannah Penn in answer to her Instructions. He then said that he had removed Logan for adding to or falsifying the minutes. Logan, on seeing this letter in the printed journal of the Assembly, appealed at a meeting to the Councillors who had been present on April 16, 1722, who agreed that what Logan had written was said in substance, but ordered the part objected to by Keith to be stricken out, as "of no real service to be put on record." On April 9, 1723, however, before the appointment of Baird had been reported to the Council, Logan wrote to Henry Gouldney (*Penna. Archives,* 2nd Series, Vol. VII, p. 70), telling of various matters, the aforesaid "comedian," or showman, the appointment of Baird, &ct., and saying that Sir William expected the powers of government to be soon adjudged to Springett Penn. Logan, although hurt by being superseded, shows in this letter much breadth of mind as to Sir William. There being an incredible rumor of a change (misprinted "charge"), evidently that Gookin would be reappointed Lieutenant-Governor, Logan remarks: "I shall only observe upon it that an ingenious man, with many failings, is still preferable with me to a stupid, obstinate, or conceited Creature, for the Govmt. really requires a Disposition more generous than is to be mett with in all tempers and kinds of Education. If our Govr. has any faults, 'tis believed they are very much owing to his close application to some of ye arts of rising at Court."

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While occasionally, and, Logan says, in "some indifferent matters," Keith took the advice of his Council in the affairs of the Province, he acted even more independently with regard to the Lower Counties, consulting with none of the members. After the adoption of the scheme for paper money in the Province, he summoned the Assembly of the Lower Counties, and carried through it, in the face of great opposition, a bill to issue 5000*l.* Delaware currency, although without government sanction in Pennsylvania, was accepted by the merchants there as it continued to be issued, confidence in it doubtless increasing as there was seen to be scarcely any default by the Delawareans to whom the bills were issued—only two small plantations had been sold by the Trustees before Nov. 15, 1729.

Two difficulties had escaped the notice of those who inserted in the original Act that the real estate mortgaged should be clear of "incumbrances," and that the applicant for the loan should make oath or affirmation as to value, ownership, and clearness. As the first difficulty, all land in Pennsylvania except a few released pieces was subject to the Proprietary quit rent, which, although, properly speaking, an estate reserved, might be within the meaning of the word "incumbrance." Secondly, there were still remaining among the Quakers whose small means put them in the class which the Act was designed to help, those who scrupled to take an affirmation in the legal form, that is mentioning Almighty God. Accordingly an Act was passed in May, 1723, authorizing the loaning on messuages, lands, and tenements subject to quit rent or ground rent, of bills of credit to the amount of one third the value over and above the principal of the rent, estimating the principal at not over twenty or less than twelve years purchase: the Act also allowing any Quakers scrupling to take the affirmation in the usual form to

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borrow upon his or her "solemnly and sincerely declaring to be true."

The *Case of the Heir at Law,* hereinafter mentioned, says, that, although Sir William Keith had received a letter from the Commissioners for Trade advising him against passing any laws for making paper money, he, in 1724, made a law for emitting 30,000*l.*, without acceding to the request of some persons of note that the Act should not go into force until it received the royal assent, and that the debts due to the King, the Proprietary, and English merchants be not payable in the paper. This Act was passed on Dec. 12, 1723, while Logan was absent on a visit to England, but apparently with the consent of the Council, recently increased by the admission, with the approval of the others, of William Fishbourn and Josiah Rolfe. Out of the 30000*l.* authorized, the same Trustees as in the earlier Act were to lend 26500*l.*, returnable one twelfth and a half part annually at five per cent. To the 2500*l.* lent to the Provincial Treasurer by the former Act, 1300*l.* were to be added, to be sunk as collected from the excise and imposts. The Counties were to receive the remaining 2200*l.* in certain shares to be repaid by means of City and County levies, the City of Philadelphia paying five per cent interest on a part of her loan. The Trustees had a right to enter upon and sell and convey the mortgaged lands in case of default. If any mortgagor paid back his entire loan before it fell due, whether borrowed under the former or the second Act, the second Act prescribed that all but the amount due should be reissued for the unexpired time of the loan, as well as all principal collected from the sale of mortgaged estates.

It will be seen that the scheme provided the Province with a revenue. Keith, in the aforesaid *Discourse,* says that the five per cent interest paid by the borrowers was sufficient without laying any tax upon the people to defray the expenses of the government. Of

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course this means the central government and the current expenses of it, for we have seen that what bills were given to the Counties, or for paying the debts of the Province, were to be repaid by taxation. To this reduction of taxation to a minimum, merely some duties on a few imports, so that it was many years before another levy on land or wealth or poll tax was laid by the central government of Pennsylvania, is due the stride made by the colony in population and wealth.

The early results in other ways of so issuing paper money are thus given in Keith's *Discourse:* "It is inconceivable to think what a prodigious good Effect immediately ensued. . . . The Shiping from the West of England, Scotland, and Ireland, which just before used to be detain'd five, six, and sometimes nine Months in the Country, before they could get in the Debts due to them and load, were now dispatch'd in a Month or six Weeks at farthest. The poor middling People, who had any Lands . . . paid off their usurious creditors: . . . lawful Interest was at this Time [by Act of Mch. 2, 1722-3] reduced from eight to six *per Cent.* by which means the Town was soon filled with People, and Business all over the Province increased at a great rate: The few rich Men . . . were obliged to build Ships, and launch out again into Trade, in order to convert their Paper Riches into solid Wealth; and for some Years, while that Province continued to have only a moderate Sum in Paper Money on foot, it kept an Equality with *Spanish* Silver and Gold, or did not fall above five *per Cent.* for as Lands there generally rise in their Value, and are in continual Demand, the Security was unquestionably as good, if not better, than any that is given in *Europe* for Paper; and this most useful Scheme was not attended with any other ungrateful Consequence, but the Removal of a Governor who, contrary to the Senti-

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ments and private Interest of a few rich Men in that Place, had passed it into a Law." . . .

By the Assembly which authorized the additional 30000*l.*, of which Assembly Lloyd was Speaker, there was passed a law for the improvement of the breed of horses, no stallion above eighteen months old being allowed to run at large unless "of a comely proportion," and of the height of thirteen hands, fifty-two inches, from the ground to the withers. This Act was never submitted to the Crown, but was deemed in force long after the period of five years.

Thomas Masters dying after several years of service as a Councillor, Keith obtained the consent of those Councillors present on May 5 or 6, 1724, for offering a seat to Francis Rawle; but the latter declined it.

The right of Quakers to promise fidelity and to qualify as officers or witnesses by solemnly, sincerely, and truly declaring, affirming, professing, or promising, without making reference to God, was at last established permanently by Act of May 9, 1724, and the royal ratification of said Act, given on March 27, 1725. The execution had, by a proviso, been postponed until the royal pleasure could be known.

Logan, upon arrival in England, found that for eighteen months the widow Penn had been resolved upon getting a new Lieutenant-Governor. Logan advised against this, urging the alternative that the one in office be laid under close restrictions. Accordingly instructions were drawn up by a relative of the widow, and were signed by her, and dated 3mo. 20, 1724, and sent by the hands of Logan, on his sailing back to America. Two mortgagees, Gouldney and Gee, wrote a supplementary letter, saying, among other things, that it could become no other person better than Hannah to take care of the family dominion.

The instructions were such as no man of spirit would follow. Not only was Keith to reinstate Logan, but

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he was neither to pass nor to reject any law without the advice and consent of the Council. He was to receive no message from the Assembly except in the presence of the Council, nor send any message, nor make any speech, unless first approved of by that body. No person was to be made a member of the same except with the consent of the other members. All members were to be impartially notified of every meeting. While he was commended with those who accompanied him for the conduct of the treaty at Albany, all further dealings with the Indians were to be upon consultation with the Councillors having the management of the Proprietary lands, or, in other words, Logan, Hill, Norris, and Preston. Hannah Penn referred to the feeling of English merchants against the issue by the colonies of paper money, but agreed not to oppose royal confirmation of the Pennsylvania Acts already passed for that purpose; nevertheless she hoped that the Lieutenant-Governor would consent to no further laws of that kind. The letter had begun with the assertion that the family had it in their power to remove Keith, and would have done so, but for tender pity for his family, and then expressed the hope that he would devote his known abilities to his constituents' interest. The letter closed by threatening to remove him before the final settlement with the Crown. The tone was rather that for the case of a bad child. Of course, it will be thought that a high-minded man would have at once resigned, that, if the position was intolerable, he should have thrown it into the faces of his superiors. On the other hand, the salary, which the commission gave him the opportunity to get, but which his circumstances forbade his letting go, was not paid by these superiors; except a few fees, it was given by the People, represented in the Assembly, and if he set himself in opposition to that power, he would be serving the Penn family practically *gratis*. The Proprie-

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tary's friends were not the only persons who made the appointment: the British government had had the last word, and his personal qualifications or his influence had been availed of in getting those who suggested him out of trouble. If he was bound more to the Proprietary than to the People, he was bound most to the King, who had purchased the government, and at any time might, by paying the balance of the money, reduce the Penns to mere landowners, and, moreover, might find the Province injured by the following of the directions of Logan, Hill, Norris, and Preston.

On August 5, Keith announced to the Council that he had received the missive, but would not follow the instructions, until he had further communicated with the Proprietary family. Logan having announced that he had no matters to lay before the Board, the other Councillors present, Hill, Norris, Preston, and Assheton, finally, on Keith's reminding them that Mrs. Penn's letter was addressed to himself, declared the subject not regularly before them. Logan protested that his own silence should not preclude him from doing his duty.

By Governor Spotswood, who stopped at New Castle on his way to embark at New York on a man-of-war for England, Keith sent to Mrs. Penn a letter, dated Sep. 24, 1724, declining to comply with the instructions, and giving his reasons. Spotswood, while in New York, seems to have become aware of the weakness of the Penn title to the Lower Counties, and, at any rate, found the Customs officials talking about the money due as a moiety of the quit rents for the southern part of that region. Delivering Keith's letter on arrival in England, Spotswood urged Hannah Penn to continue Keith in power, and offered to guarantee his compliance with certain modifications of the instructions, and hinted that certain information obtained in New York

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would otherwise be used against the Proprietary family.

Keith recognized that his official days were numbered. In January, 1724-5, upon the Assembly meeting after a recess, he invited the members to the court house, for a glass of wine and a pipe with him, and there made a stirring appeal to them: " . . . Whose property have I at any time wronged? or whose petition have I refused? what part of the public service have I neglected? And at what time has our Sovereign Lord the King, the Proprietary, or the Country suffered by any action or misconduct of mine? Is it to be charged as a crime for the Governor to concur with your Sentiments, and pass reasonable bills from your House into laws? To maintain the King's legal prerogative, and to support the Proprietary's just rights, consistent with those privileges which he has been pleased to grant you by charter? Is it a crime to commiserate the distress of the poor, and to provide for their relief? to encourage industry? to promote trade? Is it a crime to do equal justice unto all men, and to appear boldly in defence of the Constitution and Liberties of your Country? I say, if these things, gentlemen, are to be charged upon your Governor as acts of mal-administration, it is high time for you to look to yourselves, and endeavor to ward off the blow, by modestly asserting your lawful privileges as Englishmen and loyal subjects to the best of kings, as well as dutiful tenants to the Proprietary's family. . . ." He sent a message to the House that there was some business nearly concerning it and the People's privileges, but involved in some secret original instructions and letters which might be thought not very proper to be published, but, as it was supposed that a member of the last Assembly had, without its knowledge, taken from the Clerk, and used against the Lieutenant-Governor, a copy of a private letter with which he had

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entrusted that Assembly, he would not repeat his confidence, until the House would make him safe. The House replying that it had looked into that incident, and received satisfaction, and would make no other use of what he might communicate than consistent with the House's trust and station, Keith, on January 13, laid before the Assembly Hannah Penn's instructions, his reply, and also Joshua Gee's letter. Indignation at the instructions and approval of the reply filled the hearts of the friends of representative government. Through one of the members, a defensive letter from Logan was read, communicating the written reasons given to the Lieutenant-Governor for leaving the Council's board on Feb. 22, 1717-8, and Keith's letter to Mrs. Penn of July 5, 1722. On January 16th, the House voted unanimously that parts at least of the instructions were contradictory and an infringement of the liberties and privileges by Charter granted to the People of the Province. Then the House adjourned for about three weeks, during which a petition, presented at the next sitting, was signed by a great number of the inhabitants, praying that measures be taken to prevent the Council from having a negative upon legislation, and that the abettors and promoters of such power be punished. Logan attempted to arrest a popular feeling and further action by the Assembly by a memorial on behalf of the Proprietary family, and proposed that the case be stated from all the grants that could be pleaded, and that the same be referred to the lawyers in England. He promised that the family would bear the expense of this, and would recall the instructions, if the opinion were adverse to the legality of the same. The Assembly ordered the instructions, Keith's answer, and Logan's memorial to be printed with the minutes. The attention of the House was diverted to certain bills before it: but, when these were sent to the Lieutenant-Governor for his concurrence, he declined to proceed

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before obtaining an address concerning the instructions. On February 9th, an address, drawn by a committee consisting of Francis Rawle and Anthony Morris, was adopted, requesting the Lieutenant-Governor to assist the representatives of the People in asserting their right to legislative authority, and to take no notice of any parts of the instructions which might admit of a construction repugnant to the Charter, but to proceed, agreeably to the practice of the government, to pass the bills lying before him. Logan having set forth that William Penn had wished to have a legislative Council provided for in the Frame of Government, but had yielded to opposition, but, afterwards, to accomplish the purpose, had commissioned a Council, Keith wrote a "Defence of the Constitution of the Province of Pennsylvania and the late honorable Proprietary's Character in Answer to James Logan's Memorial &ct." This brought a rejoinder from Logan. On March 16, Rawle, Kearsley, Fell, and Crosby were appointed by the Assembly as a committee to prepare a Remonstrance to the Proprietary's widow and family. Although Keith held meetings with the Council, and, at the advice of the majority attending, rejected various bills sent by the Assembly, even one for the further reduction of fees, that body voted to him 1000*l.* on March 17. David Lloyd, who was not a member of the Assembly that year, wrote a "Vindication of the Legislative Power," signing it, and presenting it to the Assembly, through the Speaker, on March 19.

Apart from Keith's creation and keeping alive of paper money and his representing the enforcement of Parliamentary government, he was not formidable in the local political arena. Even Lloyd, who was reported in the Summer of 1726 to be angry with him, may have for some time had misgivings about supporting him. The inhabitants of the Upper Counties probably resented his attempt to make New Castle a rival

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of Philadelphia, nor had it received coöperation in the Lower Counties. He had, in 1724, given New Castle a charter as a city, extending the limits five miles beyond what had been recognized as the town, and, also, granting the right to send two representatives to the Delaware Assembly. That body, however, would not admit them. Perhaps by an inadvertence, qualifying for at least some offices under this charter was to be by oath, and he had appointed no Quakers as Justices for Kent County; facts which were used against him with the Quakers, and would scarcely have been overlooked by Lloyd. If some ambiguous expressions by Logan are to be interpreted that Keith was unchaste, despite his having a wife and family, this may have caused Lloyd, who had laid stress upon Gov. Evans's immorality, to be disgusted or righteously indignant against this incumbent of the same position. We are rather surprised that in this colony, founded by religious men not so long before, and with esteemed Quakers so active in civic affairs, little point seems to have been made since Penn's death of a public man's private morals; so that silence on the subject, or success in obtaining office, is no testimonial as to character, and Keith, if guilty, could not have lost many supporters on such account. Yet, even if no voter was shocked, and if Keith's financial dilatoriness was not enough to dampen enthusiasm, particularly as he was seen in his various enterprises to have lost money, there was nothing but the approval of his political stand to tie the voters to him. He was a stranger until he came among them as an officeholder; he belonged rather to the Court than to their class; he was a Churchman, although Franklin classified him as a freethinker, while those opposing him belonged to the Meeting; he, at the same time, had provoked some of the congregation of Christ Church by not permitting Talbot to continue ministering there, and was laying himself open to a charge of

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disloyalty to King George in tolerating Welton (see chapter on the Church of England); and, as was inevitable, Keith had, when he did his duty as Chancellor, or in another capacity, hurt somebody, some important person in the small colony. Finally, Sir William's could not be the winning side, unless, indeed, the government were assumed by the Crown, when he might be commissioned Governor: and, although Hannah Penn and her sons wanted the money promised by the Crown, the fear of losing chartered privileges made some conservative Pennsylvanians unwilling for the abrogation of the authority of the family under which the privileges were held. Sir William's strength lay with the mass of the voters, those without interests or ambition, and also some personal friends and dependents, and those foolishly counting upon a turn of affairs in England in his favor.

Notwithstanding the difficulties in the way of putting somebody in his place, particularly the dispute as to the Governorship-in-Chief, and the refusal of the surviving Trustee for selling the government to act in the matter of appointing or commissioning without a Chancellor's direction, so troublesome and slow to obtain, Hannah Penn determined not to compromise with Spotswood, but to get rid of Keith. Major Patrick Gordon was decided upon as his successor. Hannah Penn forestalled any objection that she was only one side of the family, by securing the assistance of Springett Penn, the heir-at-law and adverse claimant. He, with her joining, made representation to the King, reciting that Sir William's conduct had greatly dissatisfied the family, and nominating Gordon to be Lieutenant-Governor, and asking for the royal approbation. The representation, being referred to the Board of Trade on February 12, 1725-6, was met by a petition by Spotswood on Keith's behalf, asking his continuance until the controversy in the Penn family

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were settled, or at least his remaining as the King's Governor of the Lower Counties, until, by report on the Earl of Sutherland's petition, some right of appointment over said Counties were shown to be in the Penn family: and there was also a petition by Micajah Perry, Robert Carey, John Gray, and Edward Jeffreys of London, merchants, and Mr. John Baskett, on behalf of themselves and other creditors of Sir William, asking that he be left where he was, earning a salary by compliance with the wishes of the People; these petitioners asserting that they had lent to him considerable sums to enable him to carry over his family, and to take charge of the government, and that, reserving only the perquisites of the office to live upon, he had made over the salary for the payment of his debts. The Representation of Springett Penn et al., the petitions, and the Case of the Heir at Law and Executrix in reply are printed in *Penna. Mag.*, Vol. XXXIX, p. 201 &ct. It being demanded what malfeasance was charged to justify the removal of Keith, the Penn lawyers, in their long "Case," brought forward his taking upon himself, contrary to the Proprietary commission and the usages, to survey lands to himself (see last preceding chapter), and to settle a number of Palatinates on the Proprietor's lands (see chapter on the Germans), and his passing the Acts for issuing paper money. Lies were told by both sides to the Lords Commissioners. Spotswood said that he had good grounds to believe that the removal of Keith was to frustrate an inquiry then being made by the revenue officers at New York as to the amount due to the Crown on account of Delaware quit rents. The lawyers for the Penns must have provoked an incredulous smile by attempting to turn the tables on Spotswood by saying that one reason for the family's wishing Keith out of the office was to enable the Crown to collect the large sum paid over to him as part of the 2000*l.* for the late

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Queen's use. The Quaker element in the constituency represented in the British House of Commons being large enough to be feared, the influence of this element was enlisted; leading members of the Society of Friends were induced to sign a letter against the Governor who had done most for the generality of Friends in Pennsylvania, the letter saying that he was inimical to the Quakers. Gordon probably had some patron to cast some small weight into the balance. However much inclined to favor Spotswood, Keith, or Keith's creditors, the Commissioners recognized, that, as Gordon, the nominee, appeared to be fit for the Governorship, there was no excuse for withholding from the Penns the enjoyment of the authority which still belonged to them. To the point that only the Trustee under the will to make sale of the government could commission, the Lords said, that, as Earl Poulett, the survivor, had not appeared in opposition, his consent was to be presumed. This presumption seems a violent one. On Apr. 18, 1726, Gordon received the royal approbation without any exception as to the Lower Counties; but the usual declaration was exacted that the approbation should not prejudice the King's right to those Territories.

The Lords Commissioners for Trade, having considered the original Act for issuing paper money, the two supplements thereto, and the Act for issuing 30,000*l.*, decided, out of tenderness for those persons into whose hands the bills of credit had passed, not to lay the Acts before the King for disallowance. A letter dated May 11, 1726, was written to Major Gordon, explaining this, and warning that any more bills of credit would be opposed.

The "Case of the Heir-at-Law and Executrix of the Late Proprietor of Pennsylvania" was printed in London, and called forth a pamphlet, printed in Philadelphia, entitled *A Just and Plain Vindication of Sir*

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William Keith, Bart., late Governour of Pennsilvania from the Untruths and Aspertions . . . It was written by him, but ostensibly by one of his friends. After this came a clever reply, taking ironically the ground that a man born and bred a gentleman was slandered in being supposed to be guilty of writing anything so false and vainglorious in his own behalf as the former paper. This bore the title *A more just Vindication of the Honorable Sir William Keith, Bart., Against the unparalleled Abuses put upon him, in a Scandalous Libel call'd, "A just and plain Vindication of Sir William Keith &ct."*

Among the last Acts passed by Keith was one of March 5, 1725-6, for reemitting on loan all bills of credit returned between Jany. 17, 1725, and January 16, 1731, repayment to be made in instalments during the balance of the twelve years and a half allowed in the Act for emitting 30000*l.* There was a contemporaneous Act regulating the conduct of negroes, one provision imposing 100*l.* penalty for performing a marriage ceremony between a white and a negro.

After a voyage of seven weeks, Patrick Gordon, aged about sixty-two years, apparently without much civic experience, a martinet, ready to follow orders, easily prejudiced, and of vindictive temperament, arrived in Philadelphia on June 22, 1726, and took the oaths. Like his predecessor, he sprang from a well known Scotch family, and, although little has been said upon the subject, was probably restricted in means. There have been many titles among the Gordons, and he was descended, according to Burke's *Peerage and Baronetage,* from Alexander Gordon, Laird of Strathaven, third son of the third Earl of Huntly. Patrick Gordon had married Isabella, *née* Clarke. Her patronymic, not given in the obituary notice of her in the *Pennsylvania Gazette,* has been learned by finding that Father Clarke, a strong Jacobite, became Confessor to the

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King of Spain about 1726. The obituary notice says that she was descended from an honorable family in the southern part of Scotland, which had suffered much from attachment to James II, that her father had brought up her and her brothers as Protestants, and she became attached to the Church of England, but that her brothers became Roman Catholics, one holding before 1734 high office under the Duke of Tuscany, and the other being in that year confessor to his Catholic Majesty. Gordon brought with him his wife and five of at least six children then living and also a private secretary, Robert Charles. For a few days at least, two of the children stayed at Assheton's, and the new Lieutenant and his wife and three of the children stayed at Logan's, beginning an intimacy between the families illustrated by Miss Harriet Gordon years afterwards addressing William Logan, a boy of nine at her arrival, as "my son." Keith agreed to let his successor take the city dwelling house no longer necessary for the former. Logan, pursuant to Hannah Penn's order, was restored to the office of Secretary of the Province on June 24, 1726.

On June 27, 1726, Gordon and several of the Councillors rode down to New Castle, being met at the supposed border of the Lower Counties by the New Castle magistrates and public officers and several of the inhabitants of the neighbourhood, and, at the court house in New Castle, his commission and the royal approbation were again published. John French was on the 28th allowed temporarily to retain the Great Seal of the Lower Counties.

Gordon quite pointedly reflected on his predecessor in the first speech to the Assembly of Pennsylvania, August 2, accounting for the choice of himself from the knowledge that he "had been bred to the camp, remote from the refined Politicks which often serve to perplex mankind, and that an honest Plainness free

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from Art or Disguise made up the main" of his character, from which "the Proprietaries rightly judged that such a Person could form no views, but what would be openly avowed, and therefore be understood by every Man they could effect." This may have been the provocation to Keith with which Gordon showed duelling proclivities like Gookin's, if tradition has not confounded the two. It has been said that Gordon sent word to Keith, that, if he would go somewhere out of the jurisdiction, where they would be on an equal footing, he would meet him. The story is put in the shape that Gordon was exasperated by the other, who then failed to do what was expected of a man of metal: but the present author has not found contemporaneous evidence of a direct affront or challenge. The Assembly passed a resolution resenting the reflection upon Keith in Gordon's aforesaid address, but granted to Gordon 400*l.* towards his support.

Keith began circulating petitions in the Lower Counties for taking the government thereof away from the Penns' appointee, but in his plan to have himself elected a member of the Assembly from New Castle County, he was defeated. Supposed to have in contemplation assertion of privileges for the People of the Upper Counties, and framing of remonstrances and refusal to give money by their representatives, and as a result the resignation of Gordon, and a surrender to or seizure by the Crown, Keith ran successfully in 1726 for Assemblyman from Philadelphia County. His organized friends, called "the electing club," had furthermore determined to defeat Anthony Morris, Evan Owen, Matthias Holstein, and all who gave "the least suspicion of moderation." The Proprietary party, thinking such a result in Philadelphia County likely, but confident of controlling Bucks, had determined to prevent Keith's elevation to the vantage point of the Speakership, at which he aimed; and so there was ar-

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ranged a combination with David Lloyd and his supporters to carry Chester County, and to make him, formerly head of the anti-Proprietary party, the Speaker, as a choice of evils. While the campaign was in progress, Gordon, with the assent of the Council, removed Baird from the Clerkship of that body, because, although appearing "fully capable of discharging that Trust," he lay "under deep Engagements to that Party . . . manifestly endeavouring to disturb the Repose of the Publick." Robert Charles was appointed to the position. He married one of Gordon's daughters. Keith's friends, who included several persons rather distinguishable by social degree, or by education, are represented as mainly those of the rougher callings of life, and a mob of them burnt the pillory stand and some market stalls on election day; so that Gordon issued a proclamation under the Riot Act of Parliament. Keith appeared subsequently at one of their disorderly clubs, and prevented a suggested burning of the proclamation, whereupon the volatile fellows turned to giving cheers for Governor Gordon! The political machine of the new administration had worked well in Chester. Along with Lloyd, John Wright, "the best" of the old members, was reelected; while William Webb, "the worst," was defeated, with George Asheton, not much liked. Although Thomas Charlton, "too uncertain," was returned, probably Richard Hayes and Joseph Pennock could be counted upon. On the day that the Assembly met, Sir William rode into the little city at the head of eighty men on horseback, in triumph at his election as a member: but he was not even proposed as Speaker, Lloyd getting all the votes but two or three. Keith served actively as a member, even on committees to address the Lieutenant-Governor; and, while Keith's colleagues may have controlled Keith, it is to be noticed that the addresses were perfectly courteous, without the least trace of a sting.

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There was an act of violence in the latter part of Keith's administration as Lieutenant-Governor, and a further interference with or obstruction of the customs, for which he was blamed as Assemblyman. About August, 1724, a ship belonging to a Rotterdam merchant arrived at Philadelphia, bringing Palatinate settlers. Collector Moore, then in the 86th year of his age, went on board, and, searching the ship, found a large quantity of East India and Continental goods, the carrying of which to the American plantations by foreigners' vessels was prohibited. He made formal seizure of the ship and cargo, and left six tide-waiters in charge. The following night, about seventy persons, disguised, boarded the vessel, cut her away from the wharf, took her down the river five miles below the town, and carried ashore the greater part of the goods, four of the terrified waiters having jumped overboard, and the remaining two being locked up. In a few days, Lieutenant-Governor Keith went aboard the ship, and made a fresh seizure, and induced "a creature of his," as Fitzwilliam, Surveyor-General of the Customs, describes him, to file in the County Court an information against the ship and some goods remaining in it. The captain appeared in court, and confessed to the information, and, the Collector's claim being rejected, the ship and goods were sold for a little over £600, although the cargo had been reported to be worth £20000. The Collector sent a representation to England, and, although opposed by one from Keith, obtained from the Lords Justices Regents permission to prosecute suit upon vessel and cargo in the proper court in Pennsylvania, without designating what court. On the advice of the Attorney-General and Solicitor-General of Great Britain, who deemed the words of the Provincial Act of 1722 broad enough to give to the Supreme Court the jurisdiction of the King's Bench, Common Pleas, and Exchequer at Westminster, the Collector sued in the

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Supreme Court. A condemnation was obtained, and the Collector also brought suit in that court against Lawrence Lawrence of Philadelphia for £20000 on his bond, as principally concerned in carrying off and concealing the goods. Having failed to obtain bail, he was in jail on Nov. 24, 1726, when he petitioned the Assembly for relief, being informed that the Supreme Court had no power to issue original process. Merchants and others took the same ground. Besides voting unanimously that the Supreme Court ought not to take cognizance of any suit or information for breach of penal bonds, being a tribunal only for reforming errors of inferior courts, the Assembly framed a new law for courts superseding that of 1722, and, in this, gave jurisdiction on informations and actions on penal statutes to the County Courts, and prohibited the issuing of any original writ or process by the Supreme Court in such cases. The Collector and Governor Gordon tried to have a clause inserted giving the latter court original jurisdiction where the King was a party, the inferior courts being more likely to incline to the defendant. Failing to have the new bill so amended, Gordon, however, passed it as a law. Notwithstanding the ill feeling between Gordon and Keith, Moore attributed this legislation to Keith's influence over Gordon, as well as over the Assembly. The suit against Lawrence, necessarily, was discontinued, and he left the country, and his bail was discharged, and the Collector was obliged to pay the costs. The new law was disallowed by the King on Aug. 12, 1731, although the Penns denied that it had been passed by influence or interest, or to injure the officials, and spoke of it as a reasonable settlement of the jurisdiction.

The discount on the bills of credit actually falling one half in the course of six months, Gordon became a convert to the money policy as far as adopted before his arrival. After receipt of the letter, before mentioned,

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from the Lords for Trade, warning against further issues, he wrote a reply, under date of Dec. 15, 1726, that he was convinced of the benefit of what had been issued, and found the general inclination of people of all degrees to the same view; and he accordingly asked for a recommendation for the King's approval of the law of the preceding March for reemitting the bills in circulation. The Lords referred the law to Francis Fane, and there the matter ended.

Hannah Penn, who had been in bad health for considerable time, died on December 20, 1726 (according to letter from her son John, dated Feb. 2, 1726-7): the date of her burial is misprinted in *Penna. Mag. Hist.* &ct. Her will was dated Sep. 11, 1718, and probated Feb. 16, 1726, letters *c. t. a.* being granted to her son John Penn. By this will, and by a deed of Nov. 18, 1718, she had undertaken to appoint the shares of her children; but, after the death of the youngest child, Dennis, she made, on Jany. 7, 1725, a deed of appointment, which, with other items of the "General Title of the Penn Family to Pennsylvania," appears in *Penna. Mag.*, Vol. XXIII. It is interesting to find that she either failed, like William Penn, to foresee the value of the estate, or was guilty of as great meanness in providing for her own daughter, as he had been in the case of Lætitia. Margaret Penn was to have £500 principal and 500 acres in fee, with a life annuity of £40, and at her death her children were to divide among them £1000 (in other words, the principal of the annuity). John Penn, upon whose share the money for Margaret and her family was charged, was to have in fee one half of the residuary estate, and the other half was to go to Thomas and Richard as joint tenants in fee, which meant with survivorship.

On July 4, 1727, the British Court of Exchequer heard the case of Penn *v.* Penn, Hamilton appearing for the plaintiffs, and the answers of the defendants

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and of the Attorney-General being read. The testimony for the will and codicil of the first Proprietary was received, and the same were declared duly proved. No indication coming from the Crown as to whether it would carry out the agreement to purchase the government, the Court did not make any decree or decision concerning the government; so Springett Penn was not debarred from claiming it, and until his death received jointly with his step-uncle John official letters from Lieutenant-Governor Gordon.

As regards the soil or Proprietaryship, Hannah's children had already made their own arrangement by the time the decision in the Exchequer was given, and, by indenture bearing date the next day, they, with Thomas Freame, Margaret's intended husband, agreed that she should have £500 from John, and, in place of the 500 acres, £300 from Thomas and Richard. John was to have the half of what residue there might be after payment of debts, and Thomas and Richard were to have the other half as tenants in common.

A trouble in which the ancient Collector of the Port, John Moore, was a participant, and one in which his son Daniel Moore, Collector at New Castle, was a participant, received in 1727 Gordon's attention as Chancellor: but, in both cases, Gordon made common cause with them against the Judge of the Vice Admiral's Court, Joseph Browne, a lawyer by profession, who had been appointed in Sir William Keith's time, and was a sympathizer with the latter. On a certain seizure and condemnation, Gordon, being entitled as Governor to one third, and John Moore, being entitled as informer to another third, had been afraid, Gordon explained, to trust the goods to be sold by the Marshal, who was Judge Browne's bought servant, wearing his livery, and, for all they knew, an ex-convict, as many a bought servant was; so Moore had claimed the right to have his third delivered in kind: but the Judge's order, fol-

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lowing the usual practice and the practice of the Exchequer, was to sell the goods, and to bring the money into court for payment of the costs and division of net proceeds. Besides certain costs (including, at least in New York, informant's counsel fees), the Judge usually received 7½ per cent on decision of any case, and there would be 5 per cent commission for selling, which the Marshal in this case would hand over to his master. Browne was as anxious for these two sums as Gordon and Moore were to save them, and Browne was more in need. Upon the petition of Moore, Gordon, as Chancellor of the Court of Equity, issued an injunction against executing the Judge's order to the Marshal to sell the goods. The injunction was followed by a mandate, under which the actual goods were divided into three parts by appraisers, and two parts delivered to the Governor and the informer by a blindfolded boy drawing lots, and the remaining part sold for the King by the Vendue Master. Gordon allowed Browne 3½ per cent for the Judge's fee of condemnation, as done recently in New York, but Browne, in June, declared that he was not concluded, and, accordingly, he taxed a fee of 3½ per cent. Meanwhile, wishing to be able to leave the Province, if debtors became threatening, and selling the aforesaid Marshal, Judge Browne, under date of March 25, 1727, deputed Isaac Miranda to act as Judge. Miranda is said to have been in England when Gordon was confirmed as Governor, and to have worked, as a creditor, for Keith's continuance in office. Robert Byng, Receiver of the Admiralty's Rights for the Plantations, appointed Miranda as his deputy for Pennsylvania, and sent him over with a letter to Gordon, dated Oct. 28, 1726. In July, 1727, at New Castle, as Deputy Judge in Browne's absence, Miranda heard pleadings as to a vessel seized by Collector Daniel Moore. Browne wrote to Miranda, calling the seizure unjust, and offering to allow him the fees, if he would

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let Browne himself try the case; for if Browne did not acquit the vessel, he would be believed to have connived with the Collector, as had been reported. Browne executed a revocation of the appointment of Miranda, and gave it to the counsel for the vessel. Hearing at Trenton that the case had been adjourned to Philadelphia, Browne came back. Moore being sick, and his counsel absent, and Browne saying that he would act speedily, Moore obtained an injunction from Gordon as Chancellor against Browne trying the case.

Browne seems to have thereupon expressed himself; for, on the day after the petition for the injunction, Gordon sued him for slander, had him arrested, and, promising to protect the Sheriff, commanded the latter not to accept bail. Councillor Palmer and Lodowick Christian Sprogell, who was a merchant and Assemblyman, arriving at the jail to go bail for Browne, heard from the keeper that the Sheriff had left orders according to the Lieutenant-Governor's command. The keeper took the prisoner to Gordon's house, while Palmer and Sprogell waited, but neither the keeper nor Browne was allowed to speak to the Governor. So the Admiralty Judge was obliged to sleep in prison that night. The next day, on a writ of *habeas corpus* obtained from Lloyd, Chief Justice of the Supreme Court, Palmer and Sprogell went bail, but the amount was fixed at 2000*l*. Subsequently, Gordon dropped the suit, and also dissolved the injunction, and, it is said, even asked Browne to try the seizure case, which Browne declined to do; and afterwards Browne was vindicated by a decision in favor of the defendants in an action brought by Daniel Moore in the Common Pleas for the forfeiture.

An injunction was also issued to prevent the Admiralty Court from hearing a suit for a sea captain's wages on contract made on land with the owners, so as

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to require such claim to be submitted to a Court of Common Pleas.

Browne made complaints in England, producing testimonials as to character, among them one signed by Thomas Lawrence, Sir William Keith, Patrick Græme, William Chancellor, George McCall, William Fraser, James Coutts, Thomas Willing, William Burge, Samuel Carpenter, Anthony Palmer, William Rawle, Joseph Shippen, John Dickinson (son of deceased Councillor Jonathan Dickinson), John White, and Robert Bolton. An opinion from Sir Henry Prentice, Judge of Admiralty, supported Browne, and spoke of Gordon's action as high-handed; and, with the vindication from the government, Browne returned to America at the end of 1730, and for a while was in New Jersey, practising law. He demanded in July, 1731, that Gordon, by tendering or causing to be tendered the oath to George II, allow further qualification as Judge; but Gordon declined, on the ground that Browne had not taken such oath in England, nor, for seven months after arrival, had asked to be allowed to take it.

Gordon had Miranda discharged by Byng from the post of Deputy Receiver. Miranda died in 1732, while a resident of Lancaster County, leaving by his will considerable property to James Hamilton (evidently Andrew's son of that name), in case he married testator's daughter Mary: but she married some one else.

Francis Rawle, the proposer of Pennsylvania's paper currency, died on March 5, 1726-7. In his place, William Monington, of the same political party, was chosen an Assemblyman.

Gordon, with consent of the Council, added to that body Evan Owen, Clement Plumsted, and Thomas Lawrence in the Spring of 1727.

Sir William Keith was a candidate for reelection to the Assembly of Pennsylvania in the Fall of 1727. A heavy rain the night before and on the morning of elec-

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tion day prevented country voters from coming to the polls. They, even those of Philadelphia County, being said to be generally against Keith, this rain is mentioned as explaining his success and that of his party in Philadelphia County, where Edward Farmer was replaced by Thomas Rutter (who signed himself Junr.), and all the other representatives were reelected, and, apparently, as explaining why what Keith's enemies called "some indifferent hands" were chosen by Chester, William Webb being sent back, and John Wright being defeated. Bucks County, however, sent in its delegation one of Keith's arch-enemies, Hamilton. For the Speakership, Keith received five votes, and Lloyd was chosen. Hamilton was also chosen, the same year, a member of the Delaware Assembly, and, when Keith, who was not a member, had been promoting an address from that body to Lord Baltimore, Hamilton's presence therein was supposed to have strengthened the opposition, causing the project to be dropped.

During a session of the Pennsylvania Assembly a petition was circulated for more paper money, but the question was not forced upon the Lieutenant-Governor before he was freed from the presence of the man whom he and his Council feared.

With Gordon hoping that his predecessor would be shut up in jail for debt, and urging the Penns to sue out a bond against him, Sir William, although he had been able to find bail, was becoming more straightened as time elapsed since his losing a salary. In March, 1727-8, he departed from the dominion very suddenly, leaving his family, and announcing, by a letter from the capes, on his way to Great Britain, that he intended to return speedily. It was believed that he was attempting to escape creditors, and it was probably to avoid detention by them that he kept his plans secret, letting the ship leave Philadelphia, and following her to New Castle in a rowboat, accompanied by his friend

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William Chancellor. In the few days that the ship lay before New Castle after Keith had gone aboard, no one in that town was aware that he had done so, except the Rev. George Ross. Keith went to England, and never returned.

More than a local interest attaches to his career after his arrival there. He was the first, as far as known, to suggest that Parliament tax America by means of stamps. This he did in some observations for reforming the government of the colonies, drawn up, he says in the observations, during his service as Governor. They were laid before the King by Viscount Townshend, and referred to the Commissioners for Trade on Dec. 28, 1728. Sir William Keith's plan was for all the Crown's civil officers in America, or at least North America, to be put under the Commissioners for Trade and Plantations, and to receive their appointment from the same, and to be accountable to the same for management and moneys received. He also thought that a Secretary for the Colonies or the First Lord Commissioner should have daily access to the King, and that the rents, customs, revenues, and profits should centre in one place under a Commissioner as Treasurer, and that the surplus, after relieving the civil list of the expenses of the Board of Trade, should be applied to the purchase of Proprietary lands, the building of forts, and the extending of settlements to the Great Lakes, or uses thought proper by the King. As a revenue was necessary, it was "submitted whether the duties of stamps upon parchments and papers in England may not with good reason be extended by Act of Parliament to all the American plantations." It is to be doubted whether, had this measure been then adopted, possibly with its proposer in some important office to carry it out, it would have excited the opposition which it met with in 1764: and certainly taxation by Parliament could not have been successfully resisted so long before

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the maturity of the colonies. Keith repeated his advocacy in 1739, when he printed what purported to be, and possibly was, a recommendation of a "Club of American Merchants," that a military force be maintained for the protection of the colonies, its Commander-in-Chief being assisted by a Council composed of all the Colonial Governors. Its expenses were to be defrayed by the proceeds of stamps used in America. Parliament was to impose such a tax, because the several Assemblies "could never be brought in voluntarily to raise such a fund by any general and equally proportioned tax among themselves." Walpole did not take up the suggestion, saying to Lord Chesterfield: "I have old England set against me, and do you think I will have New England likewise?" Yet it was the opinion of McKean, Signer of the Declaration of Independence,—also Chief Justice and Governor of Pennsylvania,—that the Congress of Albany of 1754 was an attempt to carry out Keith's suggestion.

Sir William was not without friends during the rest of his career, although disappointed in obtaining steady and lucrative employment. His son, Alexander Henry Keith, was made Collector of the Port of New Castle, Delaware, in 1729. In the same year, Sir William was allowed a very considerable sum as additional pay as Surveyor-General of the Customs. He received compensation for later services; and it may be that he by some means satisfied the claim of the Crown for the amount received by him of the appropriation for Queen Anne's use. He was largely entrusted with the management of the treaty made in London with the Cherokee Indians in September, 1730. With Jacob Stauber (mentioned in the chapter on the Germans), Ezekiel Harlan (also of Pennsylvania), Thomas Gould, and John Ocks (probably the John Rudolf Ochs, once associated with Michel—see *Virginia Mag. Hist.*, Vol. XXIV), Keith planned to establish a colony of Swiss Protes-

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tants west of the mountains of Virginia. The Board of Trade encouraged him, in behalf of himself and his colleagues, to petition the King for a grant of land; but, when this was done, and the matter referred back to the Board, the Penns and Lord Baltimore and also Lord Fairfax made opposition, alleging that the location infringed upon their rights. The Board's report was signed on July 20, 1732. Whether the Ohio Company with which Washington became connected, grew out of this, we do not know. Sir William ran for Parliament from Aberdeenshire in 1732. On Sep. 5, 1734, he petitioned, that, as the interests of New York and New Jersey frequently conflicted, the latter be separated from New York, and that he be appointed Governor of New Jersey. Sir Robert Walpole recommended that this be done. However, at the end of the year, Keith went to prison for debt. He was discharged in December, 1735. After the death of Governor Crosby, William Skinner and Andrew Johnston notified Sir William, and expressed the hope that he had the influence necessary to be appointed Governor of New Jersey, and said, that, if the People had the choosing, he would be the man: so he renewed his application in July, 1736, but unsuccessfully. He wrote many essays, some on colonial affairs, and undertook to write a history of all the British colonies in America, but accomplished only that of Virginia, published in 1738.

He died in the Old Bailey, London, but possibly not then a prisoner, Nov. 18, 1749, in the seventieth year of his age. His wife, who did not follow him to Europe, died before him, July 31, 1740, after some years seclusion from the world, having lived with one old woman in a back room of a small wooden house in Third St. below Arch, and, according to Watson's *Annals*, "much pinched for subsistence;" a state of affairs which must be attributed to her proud spirit, as her son, the Collector, and her son-in-law, Dr. Græme, can scarcely

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be supposed unwilling to provide for her. We would have thought that the tradition had confused Governor Markham's granddaughter with Governor Keith's wife, but the story is given in the diary of William Rawle for 1786 (*Penna. Mag.*, Vol. XXIII). Lady Keith was buried in Christ Church yard. The Collector for New Castle died without issue, Oct. 5, 1741; so that the baronetcy went at Sir William's death to his third or fourth son, Robert, then serving under the patronage of his kinsman, James Keith, Field Marshal in the army of Frederick the Great of Prussia. Sir Robert afterwards was a Major-General in the Danish army: and the baronetcy remained dormant. His two sons, who also served in the Danish army, never married: and it is believed that Sir William's only descendants are those of his daughter, Mrs. Yeeles. His step-daughter, Mrs. Græme, was the mother of Mrs. Fergusson, celebrated during the Revolutionary War.

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CHAPTER XXII.

Frontier and Metropolis.

Industries of the colony—Discontent and wanderings of various Indians—Visit of Cayugas in 1727—Behavior of Algonquins—Logan's importance in the administration, and some facts in his career—Stenton—The popular party uneasy—Assembly refuses to have Keith's seat filled, and his friends break the quorum—Suspicion as to conduct of Indian affairs—Fear of a war between Indians—Shawnees from Pechoquealon alarm people about Manatawny, and are driven off—Murder of Indians by white men—Military measures—Treaties, and hanging of the murderers—Shikallima and the Indian chief named Logan—The Shawnees move to the Ohio—Election of 1728—Assemblymen roughly handled, and suggest moving their place of meeting, but decide to have a hall in Philadelphia—Passage of another paper money bill—Liquidation of the Founder's debts, and release of the mortgage—Measure in Parliament to hinder making of bar iron defeated—Lancaster County erected—Impost upon aliens, Irish servants or redemptioners, and negroes—War between Five Nations and Southern Indians—Servitude in satisfaction for debt—Change of Trustees of General Loan Office—Reemission of repaid paper money—Death of Lloyd, and appointment of James Logan as Chief Justice—Character of population in the various districts—Philadelphia—Building of Independence Hall—The Sheik—Philadelphia becomes a seat of learning—Brooke—Newspapers—Ralph—Franklin—The Junto—Books printed—Godfrey—Library Company of

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Philadelphia—Masonic lodge—Literary and other activities—The American Philosophical Society—Logan's death and bequest of his library.

Gordon, who was not without ability and readiness to learn the needs of the community, found on his arrival a number of iron works already in operation or starting within Pennsylvania proper, as to which and their successors and rivals the reader is referred to James M. Swank's *History of the Manufacture of Iron in all Ages*. There had also been an increased production of hemp, under a bounty of 1*d.* per pound. By the Assembly chosen in 1726, this bounty was increased to 1½*d.*, and limited to such hemp as was water-rotted and dried without fire. Under a law of 1730, continuing the bounty, hemp dew-rotted or unfit for ship cordage was to be bought for the workhouse. The bounty ceased to be paid on July 1, 1732, it being found that the price was a sufficient encouragement. Gordon, in his speech to the Assembly chosen in 1726, paid to the silk raised in the dominion a compliment which he did not see was really small, in calling it "as fine and good as most of the world affords." He urged the culture as capable of employing the mean and weak of both sexes, and requiring neither the capital necessary for working iron nor the rich soil necessary for raising hemp, yet, like those, furnishing a commodity for which Britain paid high prices to other countries. This apparently meant raw silk, to be exported from Pennsylvania to England. In 1728, the British government hoped, that, by encouraging the raising of naval stores, it would induce the colonies to drop the manufacture of silk, linen, and woolen fabric. The great idea of English statesmen had been, and continued to be, the gathering of naval stores, lumber, pitch, hemp, &ct. from the American forests and the clearings therein, with the mixed object of providing industries for the

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colonists, and, as avowed in the original commissioning of the Board of Trade (see the chapter on England), of diverting the colonists from raising what could be supplied by the Mother Country.

It can almost be said that the curing of fish was the only manufacturing which Britain encouraged in America. The Act of Trade, 15 Car. II, c. 7, by a proviso, had allowed salt to be imported from any part of Europe for the fisheries of New England and Newfoundland. It being doubtful whether the name New England covered Pennsylvania and Delaware, the importation of that necessary article was restricted under fear of seizure by the Customs and Admiralty "sharks," necessarily active, for, having no salaries, they lived mostly upon forfeitures. The uncertainty as to the aforesaid Act was remedied almost contemporaneously with Gordon's taking office. Being made aware that Delaware River and Bay and seas adjoining abounded in shad, sturgeon, bass, and other fish, which could be a source of trade, if salted, the British Parliament, by Act of 13 Geo. I, c. 5, made it lawful from June 24, 1727, for subjects to carry and import salt from any part of Europe into the Province of Pennsylvania, provided only that it be done in British ships and vessels manned and navigated according to the Act of 12 Car. II, c. 18 (see p. 276).

While Gordon found prosperity and signs of a continuance and increase of it, he before long had anxiety about relations with the Indians. Such had not attracted attention in the colony for several years before he came, but had not been in the satisfactory state which was supposed. Contrary to the report brought from Albany by his predecessor, the Cayugas were not acknowledging the Penn title to the Susquehanna. The Pennsylvania Indians were not merely hunting in the vicinity of the French, and on land claimed by the latter as part of the region drained by the Mississippi, but

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were in detachments remaining there, settling in the goodly region called Alleghening, watered by the Allegheny River, or, as that river was then considered, the upper Ohio. On its banks, the Delawares had a village at Kittanning, and other tribes had their representatives, or, rather, their advanced detachments, as near or nearer to Canada. At such a distance from Philadelphia, the Pennsylvania government could exercise no control. The main body of each tribe, still at the old home, was more likely to have its allegiance corrupted than to guide the action of remote individuals. The Delawares were in fact restive. Those west of the upper Schuylkill were in silent umbrage at the presence at Tulpehocken of the Palatinates whom Keith had invited from New York. Manawkyhickon, the leader of the Delawares on the Lehigh, was then or soon afterwards mourning the loss of his near relative Wequela, hung in New Jersey, and thinking that it was high time that the English in general were destroyed. Not very long before this, the number of these Delawares was increased by some coming or returning from New Jersey, and settling on Durham Creek, where deposits of iron ore seemed to call for a settlement by civilized people. If what the Shawnees afterwards said was true, the Six Nations, perhaps from observing the advance into the land claimed by the Cayugas, perhaps because of a turn of affection towards the French, were preparing for a war against one or all of the British colonies.

According to an account given by Shawnee chiefs in 1732, the Five Nations had, about nine years before, told them at Shallyschohking that they did not well to settle there, and also that there was "a great noise in the Great House," and in three years time all would know it. Towards the expiration of the three years, the Five Nations said that the land of the Five Nations was going to be taken away, and asked the Shawnees

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to join in falling upon the English. About a year afterwards, which makes the date shortly before or after the visit about to be mentioned of the Cayugas, the Five Nations reproached the Delawares and Shawnees with not hearkening to them, and said: "We will put petticoats on you, and look upon you as women for the future and not as men. Therefore you Shawanese, look back towards Ohioh, the place from whence you came, and return thitherward, for now we shall take pity on the English, and let them have all the land." The intention was also expressed of making the warriors' road from Peahohquelloman (Pechoquealon) to Meheahoaming, Ohio, and Woabash.

As it was usually the Onondagas who came to make treaties, the Pennsylvania officials were surprised to find that nearly all the Iroquois chiefs who appeared at Philadelphia in the Summer of 1727 were Cayugas. Civility and Satcheetchoe and some others from Conestoga accompanied them. On July 3, the Cayuga speaker, on behalf of all the Five Nations, informed Gordon, that, when William Penn first came, he wished to buy land from them, but they refused to sell, saying that they might some day do so; now they had come to hear what was offered. They said, that, when the Governor—whom did they mean? Keith?—was at Albany, he spoke thus to the Five Nations: "Well, my brethren, you have gained the victory: you have overcome the people and their lands are yours. We shall buy them of you. How many commanders are there among you?" They had replied that there were forty, and he had said: "Then, if you will come down to me, I will give each of these commanders a suit of clothes such as I wear." One Governor, when they were passing on a warlike expedition, had tried to buy land at Tsanandowa, where he wished to settle some people, but they had replied that they could not then attend to the matter, but on their return would lay it before their

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chiefs: now they were come to hear what the present Governor would offer. Gordon told them that the lands on the Susquehanna had been bought from the Five Nations by Col. Dongan, and transferred to Penn, and that the grant had been confirmed when Keith was at Albany. This purchase by Dongan, and this confirmation, the chiefs positively denied, as stated in the chapter on the Irish and their Kirk. Gordon denied that any bargaining for Tsanandowa had been meant by a former Governor; but Gordon thanked the chiefs for the offer to sell the lands, if not yet purchased, and he told of the expected coming of Penn's American-born son, who might treat on the subject, it being meanwhile understood that the lands would be kept for him. The Indians desired that no settlement be made up the Susquehanna above Pextan, and that the settlers thereabouts and the traders at Alleghening be not allowed to sell or keep rum. The Lieutenant-Governor replied that settlements above Pextan had not been allowed, but that, as persons of the younger generation grew up, they would spread, but not quickly: as to rum, the Indians could stave in the kegs they found in the woods, but not meddle with what liquor was in the houses, or drink or carry any away. The Indians were entertained for twelve days, ratified the covenant chain, and departed with a large quantity of presents.

The Province's attention, which, as far as the red neighbours were concerned, had been so long engrossed by those on the lower Susquehanna, was now turned to those of Algonquian stock living in the other direction.

In September, 1727, a white man, Thomas Wright, was killed at the trader John Burt's house at Snake Town, forty miles above Conestoga, by Minsi Indians living on the eastern branch (now called North Branch) of the Susquehanna. All parties had been drinking, and Burt and the Indians dancing together, when, on

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a dispute with one of the Indians, Burt told Wright to knock him down. Wright caught hold of the Indian, but did not strike him, while Burt struck him several times. The two white men retiring to the house, the Indians pursued, breaking in the door. Burt tantalizing the Indians, while Wright was trying to pacify them, Wright fled to the hen house, but some Indians followed, and he was found dead the next morning, from blows on the head and neck. The Pennsylvania government was never able to punish either those who did the killing, or Burt, whose blows and taunts occasioned it. He did not dare to show himself when the affair was investigated.

Manawkyhickon was endeavoring at the end of 1727 to unite the Five Nations and the Miamis, otherwise known as Twightwees, or Naked Indians, to take up arms. In the early Spring it was known that he had called home those of his own nation who were hunting, and it was said that the French Governors in Canada had told the Indians in alliance with France to hold themselves in readiness for the French King's orders. The Council thought it best to appease the Indians up the Delaware, and therefore sent a matchcoat to Manawkyhickon, and one to Sassoonan, who had protested that he was ignorant of the movement, and one to Mrs. Montour, who had given the information. She was French by birth, but had married Carondowana, otherwise Robert Hunter, an Oneida.

Particularly in Indian affairs, Gordon was largely guided by Logan, who may be called the brains of the new government, and of whom its coming into power was a great personal triumph. Logan had faithfully served William Penn and Hannah Penn, and was continuing to serve her sons. From the embarrassed Founder, this agent and steward had received little pay and scarcely any thanks, although, in the matter of pay, he says in his autobiographical memoir (printed in

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Albert Cook Myers's *Immigration of the Irish Quakers into Pennsylvania 1682–1750*), that the first Proprietary in 1711, when settling for ten years' service, was willing to give whatever Logan would ask, but that, in view of Penn's melancholy financial condition, he, Logan, fixed the compensation at the lump sum of 1000*l.* Penna. money with 10*l.* per annum for eight years as rent of house affording office for property. After Logan had been the most unpopular person in the colony, somewhat from a disagreeable manner, but mainly because he was clearsightedly and uncompromisingly devoted to the first Proprietary, the last letter which Logan received from him betokened mistrust. It was written, however, in an interval between the attacks which incapacitated Penn. In the course of a reply, dated 12, 6, 1712-3 (*Pa. Archives,* 2nd Series, Vol. VII), Logan told Penn: "I can very safely say I have generally had a much greater regard to thy interest than my own;" but, he added, it had pleased God in his Divine Providence to let him make some money, "tho' far short of what some will imagine." In partnership with William Penn or others, Logan engaged in various shipping adventures, and might have been classified as following the calling of a merchant. In 1714, he retired from much of the detail work of the Land Office, confiding the same to James Steel. Well enough off to take a wife without a fortune, Logan married, 10, 9, 1714, Sarah, daughter of Charles Read of Philadelphia, merchant, who had been a Keithian Quaker, and afterwards a Churchman, and also made one of the Aldermen at the City's incorporation in 1701, and also an Assemblyman in 1704. Sarah and her mother had remained in the Society of Friends. Rachel, Sarah's sister, married Israel Pemberton. Charles Read, to be spoken of elsewhere, was a half-brother, and was a Churchman. Logan, after marriage until retirement

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to his plantation, lived in Delaware 2nd Street above Walnut.

Fond of study, and having supplemented his school-teaching with the companionship of so learned a man as William Penn, Logan took advantage of the books which Penn or some others brought, but he himself began collecting books at an early date, and, as his means increased, his collection became a large one, including one hundred Greek folios. To perusing his books, and to observing the phenomena of nature, he devoted his leisure. In 1722, on reading in Fabricius's *Bibliotheca Græca* the article on the geographer Ptolemy, Logan wrote to Fabricius to inquire where a copy of Ptolemy's "*Almagest*" could be procured. Fabricius sent his own copy as a present.

Sir William Keith made insinuations against Logan's financial integrity or disinterestedness, advising Hannah Penn to be wary of trusting so much in his hands. Upon Logan's arrival in England in 1723, his accounts in connection with the Penns were carefully gone over, as we learn from Hannah Penn's letter of instructions which he brought back to Sir William; and, in the same letter, she wrote that Logan had saved the exchange, worth many hundred pounds sterling, and that there was no room to suspect his integrity, and that it would be wrong to look upon him as other than a very honest and capable man and a true and faithful friend. Long after wishing to be relieved of the American business of the family, Logan was obliged by his sense of obligation to exercise a general superintendence over it. He received for his services after 1711 a certain amount of remuneration, and Thomas Penn, later in Gordon's time, thought that the Founder had done a very good thing to Logan in giving him a career by which, as was supposed, he was worth 60000*l.*; but he, not having half that much, thought that he might have doubled

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his fortune if he had left the Founder's employ about 1701.

In the 54th year of his age, having recently had a "violent fever," he felt his constitution much broken, and decided to prepare for retirement to the country five miles from Philadelphia, with only one day a week in town, and he began, or had begun, to build his large country house, the best of that time now preserved (near 18th and Courtland Streets, in the present city of Philadelphia). During its erection, he met with an accident which lamed him for the rest of his life, hastened his retirement, and perhaps brought on palsy or something similar, from which he suffered in his later years. He raised the roof of the house in December, 1728. He gave to the plantation, which contained over 500 acres, the name of Stenton, after the parish in Scotland in which his father had been born.

While the conclusion of a peace between the Penns' representatives and Lloyd, and the departure of Sir William Keith, had left the popular party without a leader, the discontent lingered some time, as the coalition seemed disposed to press advantages, and lay under the suspicion—unjust, to be sure—of disloyalty to paper money. A very unfair action by the majority in the Assembly, and a false notion as to the conduct of Indian affairs, aggravated this feeling.

When Sir William departed, he left a letter announcing his intention not to return before the expiration of his term in the Assembly, and desiring that some one be chosen in his place. For this, the Keithian party decided to vote for his nephew, James Græme (letters spell it Graham), whom, although a lawyer, his enemies described as an ignorant, as well as a hare-brained, hot headed, young fellow. He was probably son of Sir William's sister Ann, and came to Pennsylvania in or before 1720, when Sir William sent him on a voyage to Rome and back. One of the remaining members for the

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County moved for a warrant for the holding of the election. The majority of the Assemblymen voted this down, adopting, probably at Lloyd's suggestion, the expedient of excusing Sir William from attendance. Daniel Williamson, from Chester, had died. Being more sanguine how Chester would vote, the majority ordered a warrant for filling that vacancy. Thereupon the following members, deeming the privileges of the People of the chief county broken, withdrew, viz: Dr. John Kearsley and Thomas Tresse (who were from the City) and Edward Horne, William Monington, Ludowick Christian Sprogell, Thomas Rutter Jr., John Swift, and Job Goodson (these being all the representatives then in America of Philadelphia County except Morris Morris). As Christopher Vanhorn of Bucks was ill, there were only fifteen attending, instead of the two thirds required to make laws. The fifteen tried to force the others to return, but, failing, asked the Lieutenant-Governor to settle all questions by summoning a new session. He did so, with the approval of his Council, but, when the day arrived, the eight had not changed their mind. The new member in Williamson's place, Philip Taylor, however, soon qualified. The eight remained absent until the end of the term, and there was a failure of legislation. The Proprietaries had hoped for a law to hinder the immigration of aliens, owing to the trespassing by the Palatinates at Tulpehocken.

The frontiersmen in the iron region along the Schuylkill were sympathizers with Sir William Keith; and the vindication of Logan's character by Hannah Penn did not discredit among them, or prevent their communicating to their Indian visitors, a notion, which, although honestly conceived, may have been circulated as a "campaign lie," viz: that William Penn had sent over to Logan a quantity of goods as a present for the Indians, but that Logan had converted them to his own

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use in trade. In the endeavor of Gordon's party to hunt down all opponents, old Thomas Rutter, once preacher and since 1716 or 1717 ironmaster at Manatawny, who was in friendly intercourse with the Indians up the Schuylkill, was accused of starting the talk, which was considerable in 1728 on the Manatawny Creek, and in New Hanover, and at Colebrookdale, that the aboriginal owners had not received pay for their lands. There was also a thought, spreading elsewhere as well, and among Quakers as well as others who were solicitous as to their exact rights, that the public money spent in entertaining Indians, and renewing friendship with them, was mostly for the benefit of the Penn family, preparing for, or part of the consideration in, the purchase of land.

In April, 1728, the Shawnee Indians murdered a man and woman of the Conestogas. That tribe demanding the surrender of the murderers, some Shawnees brought them as far as Peter Chartier's house, but, drinking some rum there, let them escape. This so incensed the Conestogas, that, according to a report, they threatened to cut off the whole nation of the Shawnees, and a war party passed by John Wright's at Hempfield on May 1. The influence of the Pennsylvania government was strong enough to appease this quarrel.

Almost contemporary with it, however, the whites along the Schuylkill had their safety threatened from another quarter. Kakowwatchy, head of the Shawnees at Pechoquealon, claimed to have heard that the Flatheads had entered the province to strike the Pennsylvania Indians. The name "Flatheads" is generally applied to the Catawbas, is supposed to be the origin of Choctaw as a corruption of the Spanish word *chato,* and could be as well applied to the Chickasaws. Probably Kakowwatchy was confident that the Lenni Lenape up the Schuylkill would not be induced to forsake the English, threatened by Manawkyhickon and Twight-

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wees, and would be in danger if the Southern Indians penetrated the region controlled by the Six Nations. He sent eleven warriors, for the purpose, he said, of inquiring, and of assisting the Pennsylvania Indians. Coming to the neighourhood of the iron works at Manatawny, these warriors, their own provisions failing, forced the people to give them victuals and drink. The people not knowing them, and the leader of the band looking like a Spanish Indian,—natural in a tribe formerly on the Savannah River,—there was great alarm; an invasion by Spanish or French Indians seemed to have begun. Families left their plantations with whatever could be carried, even women from childbed risking death by exposure to the cold. About twenty white men took arms, and approached the band, and shots were fired. The whites said that the Indians, refusing a parley, fired first, wounding several whites. The red men, making off, were not seen again. Their leader was wounded, but escaped. Their identity was not known until May 20, when messengers from Kakowwatchy arrived at Philadelphia to explain, to express regrets, and to ask for the gun which the wounded leader had lost. The Lieutenant-Governor with Hamilton and other citizens meanwhile went to the troubled district, and persuaded those who had fled from their homes to return. So excited were the whites that they seemed ready to kill any red man or woman. On May 10, Indians, who appear to have been Delawares,—a man, two women, one of whom was pregnant, and two girls,—had come to John Roberts's at Cucussea, then in Chester County. A couple of neighbours summoned for defence, hurried thither with guns, and, being joined by two others with guns, shot the man and one of the women, beat out the brains of the other woman, and wounded the girls. The excuse made was that the Indian, whom we may suppose to have thought himself

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and family in danger, was putting an arrow into his bow. The officials fearing that revenge upon the people of the frontier might be attempted, the two neighbours were arrested, and sent to Chester for trial, and notice of the affair was sent to Sassoonan, Opekasset, and Manawkyhickon, with a request that they bring their people to a treaty, arranged to be held at Conestoga with Civility and the Indians there. Sassoonan, or Allummapees, was the head of the Delawares up the Schuylkill, and it had been arranged that his nephews Opekasset and Sam, otherwise Shackatawlin, son of Penn's acquaintance Essepenaike, were to succeed Sassoonan. The Pennsylvania government did not leave all to diplomacy. John Pawling, Marcus Huling, and Mordecai Lincoln (a relative of President Abraham Lincoln) were commissioned to gather the inhabitants, and to put them in a posture to defend themselves. The Lieutenant-Governor issued a proclamation on May 16, warning all the King's subjects, the Europeans of whatsoever nation who were residing in the Province or Territories, not on any pretence to abuse any Indian native demeaning himself peaceably, also to avoid showing "weak unhandsome fears, by which they greatly expose themselves to remarks that are dishonourable." The proclamation at its end was military, such as we are surprised to find approved of by five Quaker Councillors. It directed and required "all his Majesty's liege subjects" to be "at all times duly furnished with suitable Arms and Ammunition for their Defence, to be used in case of real Necessity by the order and Direction of proper officers, who shall be duly appointed for that Purpose, and that they fail not to appear with them in proper Time and Place, if there should be Occasion to use them in Defence of themselves, their Families, and Country."

Having forwarded to Kakowwatchy the matchcoat, belt, and hatchet dropped by the eleven warriors, and

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having sent to him three matchcoats as a present to ask him to warn his party of Indians to be more cautious in future, and having promised to look for the leader's gun, and expressed the wish to see Kakowwatchy at Durham in the course of the year, Gordon went to Conestoga, and met Civility, Tawenna, and other Conestogas, some Delawares from the Brandywine, some Ganawese, and three Shawnee chiefs. Gordon began by reminding the Indians of the links in the chain of friendship, and, among said links, that neither they nor the Christians would believe ill reports of each other until they inquired of the other, and that, on injuries being done, they would complain, and, when satisfaction were made, would bury the matter in a bottomless pit. Then Gordon presented 20 stroud matchcoats, 20 duffels, 20 blankets, 20 shirts, also gunpowder, lead, flints, and knives. Gordon then told of the recent murders, of the imprisonment and intended trial of those who had killed the Indians, and of the intention to punish Burt, if found, for provoking those who had murdered Thomas Wright; and Gordon expressed the expectation that the Indians would punish those who had committed that deed. Tawenna, the Conestoga, replied that the four nations represented had never received any wrong from William Penn or any of his people, but had always met with justice and kindness from him and all the Governors he had sent. The other Indians, being questioned, said that they had no cause of complaint. The murderers of Wright belonging to another nation, the Lieutenant-Governor said that he would look to that nation for justice. His proclamation being translated to the Indians, they were pleased with it, and all shook hands. Sassoonan and Opekasset and Manawkyhickon did not appear; but, with friendly messages, Sassoonan and Opekasset offered to meet Gordon at Molatton, and Manawky-

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hickon promised to come to Philadelphia with the delegates from the Five Nations.

Sassoonan and Opekasset and some chiefs who accompanied them to Molatton, were invited down to Philadelphia with some relations of the Indians recently killed, and with Shikallima of the Five Nations, and Squicksey, a Shawnee. On June 4, the Lieutenant-Governor repeated to them what he had said at Conestoga, and gave presents of matchcoats, blankets, shirts, powder, lead, looking glasses, &ct., and then to those present who were relations of the murdered, as a mark of grief, 3 strouds, 3 blankets, 3 duffels, and 3 shirts "to cover the dead bodies again," and "6 handkerchiefs to wipe away tears." The Indians' answer was given on the next day, the Council holding a public meeting in the large Quaker Meeting House before "a vast audience," the minutes say, "that filled the house and all its galleries." After expressing satisfaction at Gordon's wish that no misunderstanding result from the late "accident," Sassoonan said that he was troubled to see Christians settling on lands that had never been paid for, even his own land, for which he had received nothing. Logan produced the deed of Sassoonan and others of Sep. 17, 1718, acknowledging that the former kings and chiefs of the Delawares had received full satisfaction, and quit claiming all the land between the Delaware and Susquehanna from Duck Creek to the mountains below Lechay. Sassoonan and Opekasset recognized their marks to the deed, but the former said, that, those mountains being only a few miles above Oley, the Tulpehocken creek, on which Europeans had settled, was beyond them. Logan then showed that it was by Keith's permission, and without authority from the Commissioners of Property, that Palatinates had settled on the creek. The Commissioners had always been careful not to grant any land until it had been purchased from the Indians, and, even after the

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purchase of a tract, not to let the Indians be put off of it until they voluntarily retired. He asked the Indians now not to molest the people at Tulpehocken, but to wait until the matter were adjusted. Although there was a request made that those in the audience who had formerly spoken of injustice to the Indians say what they had to say, they were silent, old Thomas Rutter, whom Sassoonan had asked to sit by him, denying that he had said that the Indians were not satisfied for their lands. Gordon gave bread, tobacco, and five gallons of rum to the visitors, and, providing six pairs of shoes and stockings, asked that messengers go among the neighbouring Indians, and, if possible, to the Five Nations, to tell what had passed. The two actual murderers of the three Indians were hung, but one who was convicted as an aider and abettor, from being with the principals, was reprieved. Sassoonan came in October with Oholykon, of the Brandywine Indians, and Shikallima and Robert Hunter, of the Five Nations, and hoped that all difference with the Province was ended. Sassoonan mentioned that the Five Nations had often told those whom he represented that they were women only, and should leave alone what related to peace and war, which sounds as though he had in mind the recent remark of that kind which the Shawnees reported.

Shikallima, an Oneida, or, it is said, a Frenchman born in Montreal, but captured and adopted by the Oneidas, had been set over the Shawnees and perhaps other tributaries by the Five Nations. He made his residence near the junction of the two branches of the Susquehanna. He so much admired Logan that he gave the latter's name to his own son, otherwise called John Shikallima, but who became famous under the name of Logan.

The removal of the Shawnees to the Ohio, reported by them to have been ordered by the Five Nations, appears to have begun in the Summer of 1728. The

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movement was not confined to those about the Susquehanna. A number of those in the Pechoquealon region were gathering their present for the Lieutenant-Governor, and were about to send a messenger to ask him to meet them at the Durham iron works, when an Indian messenger from the Susquehanna arrived, and, in haste, leaving the corn ungathered, the Indians and their wives and children departed from Pechoquealon. Kakowwatchy had already gone to Shamokin. Subsequently, he made his home at Woyumoth (Wyoming), until, in 1744, he removed to the Ohio. The Shawnees on the Ohio, for some years prior to his removal thither, had recognized him as their head. Some Shawnees, perhaps those from Paxtung, followed what is now called the Raystown Branch of the Juniata, and a number of them settled on this side of the Alleghany Mountains, forming villages in what is now Bedford County. The main body of the Pennsylvania Shawnees, by locating on the Conemaugh, went within easy reach of the Ohio River. Although Shikallima came to meetings with the Lieutenant-Governor, and Civility professed to speak for the Shawnees, as well as for other Indians, yet for a number of years none of the tribe came to a treaty. In 1729 the absence was explained by Civility saying that the Shawnees had spent their provisions on rum, and were obliged to stay at home to gain subsistence for their families by hunting. Nevertheless, as appeared afterwards, the Shawnees of the Ohio—at Alleghening, or Allegheney,—were looking to the French for protection from the Six Nations, and before long probably formally applied to the Governor at Montreal.

At the election in October, 1728, notwithstanding great efforts by Gordon's party to have the eight seceders defeated, all except Goodson were reelected, and, in place of him and Sir William, there were two sympathizers with them chosen. Morris Morris was not returned. The new members from Philadelphia

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County were John Warder, David Potts, and Edward Farmer. Gordon took comfort in Bucks reelecting Hamilton, who was also sent again to the Assembly of the Lower Counties, and became Speaker of that body.

When the Assemblymen chosen in 1728 arrived in Philadelphia to organize, some of them, doubtless those thought inimical to paper money, met with considerable rudeness from a small mob. Lloyd was again elected Speaker. It was usual for the person elected to beg the Governor to excuse him, and for the Governor, in some complimentary words, to decline to do so. Lloyd, however, expressed this time his desire from the heart to be excused: but Gordon politely insisted upon Lloyd's serving. The House, the next day, adjourning until Dec. 16, asked the Governor and Council to fix a safer place of meeting than Philadelphia. The Council thought that it would be best for the Assembly to try to stay in the town where the offices were kept, but, if experience should prove a removal necessary, the next most convenient place would be Chester. The Assemblymen later unanimously decided to adhere to Philadelphia as the place of meeting, and, in the Act for issuing paper money, besides lending 1000*l.* to the City for establishing an almshouse, gave 2000*l.* to Thomas Lawrence, Andrew Hamilton, and Dr. John Kearsley for the erection in Philadelphia of a house for the sittings of the representatives of the People. This appropriation was inserted after a petition, presented in February, 1728-9, designating as the location, moreover, High Street near the prison, and adding "in connection with a market;" a location different from that contemplated by William Penn, viz: the Centre Squares at Broad and High. As nothing much was done within two years to carry out the Assembly's order, this subject may be left for a later page.

Popular tumults to coerce this Assembly, chosen in 1728, to issue paper money, recurred through the Win-

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ter. When, in March, 1728-9, the House sent to Gordon a proposition for issuing 50000*l.*, he felt, that, while an addition to the circulating medium was desired by everybody, the measure must be a very conservative one: it must not increase the total amount outstanding to more than 60000*l.*, the money must be repaid in a small number of years, instead of in sixteen years, as proposed, and must bear interest at the rate fixed in the first Act on the subject, and must not be payable for debts contracted to be paid in sterling, nor for the Proprietary quit rents, and there should be no issue of bills until the Crown had an opportunity to disallow the Act. The House at last agreed to make the issue 30000*l.*, and the interest 5 per cent., but declined further to amend as Gordon suggested. In view of the general cry, Gordon, by advice of his Council, signed the bill on May 10, 1729, saying that there was no man in the Province more sincerely a friend of the currency than he was, nor was there any member of his Council who was not a hearty friend, or craved anything more than to keep the money up to near its value. At this time, the exchange between Pennsylvania paper money and sterling was about 50 per cent., so that an English shilling would be worth 18*d.* in bills of credit. This law, in its general terms, seemed to require the acceptance of a paper shilling for a sterling shilling of quit rent. To guard against Proprietary efforts for that reason to have such a law disallowed by the King, an address, unanimously adopted, was sent by the Assembly to the Proprietaries, explaining, that, as the quit rents were to be paid in English money or the value thereof in coin current, it must always be understood that an English shilling, the common quit rent for 100 acres, could only be paid by such a shilling or the real value of it in the current coin then passing. It is probable that the politicians were afraid that their constituents would be angry at such a declaration in the Proprie-

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taries' favor: so, with the secreting from the People as practised in that day, and as still tolerated from representative governments in matters of diplomacy, this address was never made public, until Gov. Thomas quoted from it, ten years later. Then the plausible explanation was given that it had not been proper to print it before it was presented. The Act itself was never laid before the King in Council, but was carried out.

Kearsley and Horne, of those Assemblymen ordered to transmit the address to the Proprietaries, asked Springett or John Penn to come to the Province, instead of depending upon agents' reports as to the inhabitants. By this time much had been done toward clearing the estate of William Penn, the Founder. The three sons by the second wife wrote on Nov. 11, 1728, that, as they expected sufficient to pay all the debts, which then amounted to about £2900, no manors nor reversion of lots on the river bank should be sold.

The aforesaid £2900 may or may not have been exclusive of the balance on the mortgage, which was to be met by the purchase money due from the Dickinson family for part of the Springettsbury manor in Philadelphia County. Jonathan Dickinson, the Councillor, having agreed in 11 mo., 1717-8, to the terms of £1. 6*s*. 8*d*. stg. per acre for the northern part of Springettsbury, Philadelphia Co., there had been conveyed to him by lease and release of 5 mo. 9 & 10, 1718, all the 1230 acres, as then computed, in the present City of Philadelphia between Ridge Avenue and the Schuylkill River from Fairmount Avenue to a line running southwestwardly from near the intersection of Ridge Avenue and Montgomery Avenue, except 134 acres previously sold. He gave a mortgage for all or part of the purchase money, and left the plantation to his son John. The balance due on the mortgage, viz: £1100, with interest, appears to have been paid to the surviving mortgagees

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of the Province and Territories before the end of 1728. By lease and release of Jany. 13 and 14, 1729, when Joshua Gee and John Woods were the only mortgagees living, they released the Province and Territories, acknowledging full payment of the money borrowed by William Penn in 1708 and interest.

The Proprietaries, in the Spring of 1729, were still wishing to sell the government to the Crown, and had thought of getting a bill for the purpose passed by Parliament, but had not undertaken it, having had enough trouble in preventing an enactment which would have hindered the making of any bar iron in Pennsylvania.

A new county to cover the region west of the northern branch of the Octorara, and south of the Schuylkill, was erected under the name of Lancaster County by the Lieutenant-Governor in Council on May 2, 1729, and, by Act passed May 10 following, provision was made for judicial proceedings &ct. therein, and for the choice by the qualified voters therein of four representatives in the Assembly. The first officers appointed were not Scotch-Irish, with the exception of Thomas Reid, a Justice, and Andrew Galbraith, the Coroner. Robert Barber, Sheriff at the organization, and for the year beginning in October, 1729, was from Yorkshire, had 1000 acres on the Susquehanna below Chickies Hill, and built a house at the site of the present town of Columbia, together with a building used as a jail. John Wright from Manchester, England, who had the ferry at Columbia, and Samuel Blunston, son of deceased Councillor John Blunston, were among the Justices.

The Assembly on May 10, 1729, also imposed a duty of 40*s.* upon all aliens arriving, and of 20*s.* upon every Irish servant or passenger whose transportation was to be redeemed or paid for after arrival. This, however, was repealed nine months later.

The last temporary Act for imposing a duty upon

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negroes imported being about to expire, an Act of May 10, 1729, permanently imposed the reduced duty of 2*l.* on the same "human chattels." This Act, like many others, was never submitted to the King, but continued in force until after the period of this history.

In 1729, the Five Nations, or, rather, the Six Nations, having gone on the war path, there were several battles between bodies of them and bodies of Southern Indians combined with colonists of the provinces from which they came. The Pennsylvania tributaries became involved, and suffered losses which their small numbers made considerable. The Shorry Indians (Cherokees?) of South Carolina are mentioned as killing fifty-nine men, probably including Conestogas, at the Five Nation town. Carondowana, alias Robert Hunter, was captured, and died, perhaps being put to death. Nine Shawnees who had settled on a branch of the Potomac near the Great Mountains were killed or captured.

Traders from Pennsylvania had followed the Indians who had gone to Allegheny. To all the remote traders Gordon wrote on Oct. 4, 1729, a letter of instructions: among other means of preserving tranquillity,—following justice, courtesy, and humanity,—they were not to furnish strong liquor, not to drink with or deal with drunken Indians, not to raise dislike against any white person, but to enter into a mutual agreement fixing reasonable prices, and not to undermine one another.

In October, 1729, the Assembly of Pennsylvania elected Hamilton as Speaker. He did not go through the farce of asking to be excused, but boldly accepted the office, when appearing before the Lieutenant-Governor. Hamilton was often reelected. A number of Germans were naturalized by an Act of the Assembly of 1729, Gordon expecting that this would increase his party at the polls.

On Feb. 11, 1729-30, the House considering a proposition to reemit for sixteen years the bills of credit paid

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back, Gordon declared that he would not enact another law to issue bills, unless he heard of the royal allowance of the last Act on the subject, he being led by reports from England to believe that any further steps in relation to paper money would endanger the whole of it.

From the founding of the colony, debtors, who, after a temporary imprisonment, were found unable to pay, were to satisfy by servitude, if the creditor desired it, under direction of the court, the period of servitude being limited by Act of Jany. 12, 1705-6, to seven years for an unmarried debtor under the age of fifty-three, and five years in the case of married men under forty-six. It had become common for husbandmen and others to purchase the labor of those so ordered to serve. On Feb. 14, 1729-30, an Act was passed for the discharge of debtors owing less than 100*l.* who disclosed all their property, unless the creditor allowed to the prisoner a weekly sum fixed by the court, not exceeding 3*s.*, the property, in case of a discharge, to be sold to pay all creditors. By an Act passed a year later, prisoners unable to pay were allowed to satisfy by servitude; and this law was not repealed until after the American Revolution.

Nathaniel Newlin's place among the Trustees of the General Loan Office had been filled by the appointment of Philip Taylor. The business had been left largely in the hands of William Fishbourn, and the auditing Assemblymen had met with trouble and delay, and found irregularities: so by Act of Aug. 15, 1730, Fishbourn, Carpenter, and Taylor were discharged, only Langhorne being continued, and Hamilton, Charles Read, and Richard Hayes of Chester Co. were made Trustees. In October following, Fishbourn was to pay over the money in his hands, but, the day before, according to his representation, his house was broken into, and the money stolen. This being disbelieved, after a hearing by both Assembly and Council, he was

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by Act passed on Feb. 6, 1730-1, disqualified for five years after its publication from being a member of Assembly, or holding any office of trust or profit, but, the inability to pay 1779*l.* 18*s.* 3 farth. belonging to the public being no more than the failure of a bank, he was allowed to give the Trustees a mortgage upon real estate for that amount, so enormous in those days that the Trustees were subsequently authorized to release on part payments from time to time.

The Council, on Jany. 29, 1730-1, with Logan and Norris present, unanimously favored the reemission of the bills of credit coming in as instalments of principal before Oct. 15, 1737. On Gordon's recommendation, the Assembly decided to employ a regular Agent for the Province in London. Choice was made of Ferdinand John Paris, and £50 yearly salary voted to him. On Feb. 6, the Lieutenant-Governor passed the Act for the reemission.

In the Summer of 1731, Sassoonan, the Delaware King, being drunk, killed his nephew Sam Shackatawlin. Then the old King began starving himself, from grief. Opekasset, too, was dead. Gov. Gordon sent for Sassoonan, who, touched by the letter written to him, began to take food, and came with Shikallima, and protested against the great quantity of rum taken to the Indians, and talked with the Proprietary trustees about land, they awaiting the arrival of one of the Penns in the Province for any purchase. As to the rum, Sassoonan asked that none be taken to Shamokin to sell, that some be lodged for sale at Tulpehocken and Pextan, so that, when the women were sent for it, they would not have far to go, and that only four men be allowed to take it to Allegheney.

David Lloyd having died, and Isaac Norris having declined the Chief Justiceship, Logan was appointed to the position in the Fall of 1731. He filled it until Aug. 9, 1739. Displeased by the repeal of the Act of

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1726 superseding the law of 1722 for courts, the Assemblymen and Lieutenant-Governor, however, construed the law of 1722 to be still in force, and passed a law on Nov. 27, 1731, to confirm process and judgments.

As the reader may have observed, the advance into the wilderness designated in Charles II's letters patent had been by various leaps, made in various directions, by various companies or groups respectively, the companies or groups being different in race, recent residence, religion, or reason for coming. The character of the population of these townships, districts, or regions except the built-up part of the city, was changing very little. Among the people from Continental Europe there had been some adoption of the ideas of preachers newly met with, but the influence of later comers from home was to reintroduce old ways of living. The Germans and the Scotch-Irish followed the routes taken respectively by their advance guards; and greatness in number warded off aliens in blood and habits. In the Quaker country, or the land settled before this history begins, population outside of Philadelphia, Chester, and Bristol increased subsequently by a high birth-rate, not by immigration, and the ideas and mode of living spoken of in the chapter on the People remained. The water front, and particularly Philadelphia, was the abode of a diversified crowd. How far life there had changed since Quakerism was as strong as it remained in Bucks and Chester counties, is indicated by Theobald Hackett, lately from England and Ireland, in August, 1738, opening a dancing school, and, in 1742, by fencing being taught. In August, 1749, after this history closes, mention is made of the tragedy of *Cato* being acted: but, on Jany. 8, 1750, attention being called to some persons having lately taken upon themselves to act plays, and intending "to make a frequent practice thereof," the City Council asked the

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magistrates to suppress the same. (See Scharf and Westcott's *History of Philadelphia.*)

As the emporium of the prosperity which we have seen restarted, and also the chief station of the immigrants, Philadelphia was said by Gov. Gordon in March, 1730-1, to contain about 1000 houses, and was destined before many years to be the largest city in the British colonies. Its importance was crowned by the building of a home for the legislature, the State House, now widely celebrated as Independence Hall. Of the three commissioned to build, Hamilton and Kearsley, members of opposite factions, could not act in unison, and perhaps Lawrence was unwilling to decide. Hamilton determined to change the location from what had been contemplated, and, with this view, induced the wealthy William Allen, who afterwards became his son-in-law, to secure 198 ft. on the south side of Chestnut between Delaware 5th and 6th, by deed of Oct. 15, 1730. Other lots in the same block were added, and Hamilton, either upon his own responsibility, trusting to his influence as Speaker &ct., or, probably, with the tacit consent of his fellow-commissioner Lawrence, started operations. Frank M. Etting's *Historical Account of the old State House* says that ground was actually broken in the Spring of 1732. In August of that year, the Assembly ordered Allen to be reimbursed what the ground had cost him, approved of Hamilton's action in choosing the site and his further proceedings, and, upon submission by Hamilton and others, including Kearsley, of plans and elevations, adopted that submitted by Hamilton. The superintendence of construction was assumed by him. In the Winter of 1733, the Assembly was holding session on the property. On Feb. 20, 1735-6, an Act of Assembly recited the erection of a State House and other buildings at the charge of the Province, and directed the title to the buildings and ground, which yet remained in Allen and Hamilton, to be conveyed to

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certain trustees and the survivor in fee in trust for the representatives of the freemen of the Province and such uses as they in General Assembly should appoint. It is said that the hall for the meetings was not completely finished until the Fall of 1736. Work went on for several years, the room for the Supreme Court not being ready before 1743, nor that for the Governor's Council before 1747.

Pennsylvania before the American Revolution was not a region through which wealthy or aristocratic Europeans travelled except in the course of political or military duty. Preachers and religious leaders came. The Eastern Christian, Sheik Sidi Alhazar, of Beyrout, probably of the Greek or the Maronite Church, who is described by some as an Emir, included Philadelphia in his tour to collect money to pay his tribute to the Sultan. Smith's *History of New Jersey* says that the Sheik was reported to have collected 250*l.* in Philadelphia. He came in the Fall of 1737, and was entertained at public expense; an instance of a Quaker Assembly's hospitality, just as the aforesaid contribution was an instance of the citizens' benevolence overflowing sectarian bounds. The bill sent to the Assembly footed up 37*l.* 2*s.* 6*d.*

As a result of Penn's dominions being the refuge or the garden of the poor, the adventurous, and the persecuted of whatsoever Protestant denomination, and, on the sly, even of some Roman Catholics, the capital or metropolis became headquarters or at least a station in religious propagandism, of which much has been already narrated, and of which the story for the time of these Chronicles will be concluded in the chapter on Unitas Fratrum and Attempted Church Unity.

Partly through this, and partly independently of theology, Philadelphia became also a seat of learning. It was not such through the old Dutch or Swedish families, or through the descendants of Penn's "first pur-

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chasers," or through the Englishmen who arrived before his second visit. The second generation of the predominant race, having been reared with less acquaintance with literature than the first, and amid serious thoughts and cares, rather smothered any inclination for what was not spiritually or financially useful. Moreover, had there been a desire to give a son more learning than furnished at the school in Philadelphia, or by a local ex-schoolmaster, there were no facilities. Harvard College and William and Mary College were the only schools of upper grade in America before 1700, and Yale the only other until the last years of this history. Few Pennsylvanians before the death of Penn could afford to send a son to reside in Europe or even New England for education. Robert Assheton's son went to Gray's Inn, as has been mentioned, and Collector John Moore's son, Thomas, went to England, and took holy orders, never returning, however. For a while, after the earliest Quaker schoolmasters or the matriculates of foreign colleges had passed away, Logan, apart from the various clergymen, stood alone in literary knowledge, except for Henry Brooke, the Councillor, who arrived in Penn's dominions in 1702, and remained until his death, Feb. 6, 1735-6. He was grandson of a baronet, and had come to take the berth of Collector of Customs at Lewes. Logan, who, in one letter, described him as "a young beau, otherwise well accomplished and deserving a better society," said in another letter: "I take him to be a young man of the most polite education and best natural parts that I have known at least before his time, thrown away on this corner of the world." He also collected a fair library, and whiled away some leisure hours with poetry. Several of his pieces have been found at Stenton, with whose proprietor he was a frequent correspondent: and his "Discourse concerning Jests," written in 1705, is published in one of the vol-

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umes of Hazard's *Register*. He left to Logan all the Italian books given to Brooke by Governor Burnet of New York, and left the rest of his books, English, Latin, French, and Greek, to Rev. William Becket, missionary at Lewes. For those who read for pleasure, not to fit for a profession, Pennsylvania and Delaware, during the period of this history, had to depend upon persons born elsewhere, and did not gain many from the coterie where we naturally would look for them. Office under the Crown or the Proprietaries did not bring over to the Penn dominions the rivals of Logan and Brooke. Richard Peters, Secretary of the Province, came about the time of Brooke's death, but as an unemployed clergyman. Not even one of the Lieutenant-Governors is known to have been a college graduate.

Pretty much all the learning which had not its impetus from Logan, or which was not possessed by the vagabond class, came as the armory of the missionary and the controversialist, and was largely theological, embracing also ecclesiastical history. There were a limited number of subjects in that day for books giving information, as distinguished from works of the imagination. Outside of medicine and jurisprudence, there was principally ancient history. This and later history were probably thought useful by the clergy, Anglican or Presbyterian, and those whom they influenced. Therefore, while we owe to the Society of Friends the first school, we owe to Tennent the first divinity school, and we must look among the followers of Whitefield for the originator of the University of Pennsylvania, if indeed that institution can claim existence before 1749. In connection with Whitefield, with whose work the chapter on the Church of England ended, have been given the proceedings to establish a school for instructing in the Christian religion and in useful literature. The originator very likely was Logan's wife's nephew, James Read.

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As to the literature of the ancients and the works of imagination of writers since the fall of the Roman Empire, what may be called a revival of human letters took place in Pennsylvania after the death of William Penn.

The establishment of a weekly newspaper among people reading almanacs, devotional books, and controversial pamphlets, was a step in this direction. Philadelphia had such a weekly as early as 1719, the third to appear in the colonies, inasmuch as its first number was issued on Dec. 22 of that year, one day later than the Boston *Gazette.*

Andrew Bradford, who was a son of the printer of George Keith's time, and had come to Philadelphia to follow that trade, undertook the publication, calling the newspaper the *American Weekly Mercury.* He kept it up until his death in 1742, after which his widow published the *Pennsylvania Mercury* for about four years; and his nephew, William Bradford, on Dec. 2, 1742, started the *Pennsylvania Journal,* which, changing its name in 1797 to the *True American,* lasted until combination with the *United States Gazette* in 1818.

The examination of Bradford before the Governor and Council in relation to Rawle's pamphlet was only one of several instances of threatening a printer, or of restraining one from freedom in political use of the press, although, after the days of George Keith's controversy, there seem to have been liberty and immunity for theological publications.

Among the quasi-professional young men in Pennsylvania in the earliest years of the *American Weekly Mercury,* viz: printers, conveyancer's assistants, and the like, were some who were fond of reading, and ambitious to try versifying. Aquila Rose, who was chief assistant to Andrew Bradford, wrote poetry of some merit. He died in 1723. Samuel Keimer, who had been a printer in London, and for some years one of

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the Second Adventist fanatics called the French Prophets, came to Philadelphia, after revolting from them and publishing an exposure, entitled *A Brand plucked from the Burning.* He became Bradford's rival as a printer. Among Keimer's undertakings was the printing of a translation of Diodorus Siculus's history; and, having attempted a newspaper in London, Keimer began on December 24, 1728, the second newspaper in Philadelphia, calling it *The Universal Instructor in All Arts and Sciences and Pennsylvania Gazette.* This he sold out to Franklin and Meredith, printing as his last number that of Sep. 25, 1729. Under Franklin, it was well known as the *Pennsylvania Gazette,* and has been claimed as the early form of the present *Saturday Evening Post.* Keimer's original undertaking was to issue weekly as the first part of the paper a part of an encyclopædia; an attempt creditable to his learning, but which the purchasers from him discontinued at once.

A merchant's clerk in Philadelphia for a short time was James Ralph, probably not born there, who went to London with Franklin in 1724, and in England became a writer of prose and rhyme, ultimately in the employ of politicians. Charles James Fox, referring to a history of England which Ralph started, called him "the most diligent historian we possess for the time of Charles II."

Benjamin Franklin, to whom Philadelphia owes so many institutions that he might be called its Second Founder, sometimes delved into metaphysics, and was far from ignorant of belles-lettres; while he more particularly fostered knowledge which was of every day practical use, and, by his conclusions and inventions, became the best known American of his time in the scientific world. He had already written a ballad which sold well in Boston, his native place, when, in October, 1723, less than eighteen years old, he came to Phila-

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delphia, running away from apprenticeship under his brother, who was a printer and newspaper publisher. In Philadelphia, he obtained employment under Keimer. Going to London on the delusive promises of Sir William Keith, as has been mentioned, he spent about two years there in a printing office. Returning in the Autumn of 1726, he was clerk to a Quaker merchant, and, upon the latter's death, began again as a printer, being reemployed by Keimer. Forming a partnership with Hugh Meredith, Franklin soon established an independent printing office in Philadelphia, and, in the course of years in the business, became rich.

In the employ of Keimer at the time of Franklin's returning to him, was George Webb, who had been a student at Balliol College, Oxford, but had drifted into the grade of a bought servant.

In the Autumn of 1727, Franklin started the Junto, a debating society or club for mutual improvement, the other original members, besides Webb and Meredith, being Joseph Breintnall, Thomas Godfrey, Nicholas Scull, William Parsons, William Maugridge, Stephen Potts, Robert Grace, and William Coleman. Hugh Roberts appears to have joined later, and, from letters which passed between him and Franklin, we learn that the club lasted until 1766 or longer: for some time it had subsidiary clubs called "The Vine," "The Union," "The Band," &ct.

The largest book published before 1748 was Sewel's *History of the Quakers,* printed in 1728 partly by Keimer, and partly by Franklin and Meredith, with whom Keimer made a sub-contract.

The first translation of a Greek or Latin classic printed in America was, according to Charles R. Hildeburn in *The Issues of the Press in Pennsylvania 1685–1784,* of the *Morals* of Epictetus. The second edition was printed by Keimer in 1729.

Two short productions in 1731 began the works of

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fancy issued by the local press, viz: *The Lady Errant Inchanted,* a poem, by an anonymous author, and *Bachelors Hall,* a poem of 12 pages by George Webb, before mentioned. Webb became a barrister at the Middle Temple, London, about 1734.

It was more particularly in investigations in natural philosophy and astronomy that Philadelphia stood high, and here we see the encouragement and assistance, as well as the example, given by Logan.

Thomas Godfrey, who was a glazier by trade, occasionally employed by Logan, hit upon a method of using two looking-glasses in a quadrant similar to that of the modern sextant introduced by Hadley. Godfrey made his instrument about November, 1730, and it was taken on November 28 by G. Stewart, mate, aboard the sloop "Truman," John Cox, master, bound for Jamaica, and it was used by the same persons in August following, on a voyage to Newfoundland. Hadley's instrument was described by him to the Royal Society on May 13, 1731, and exhibited a fortnight later.

It was with the help of the Junto that Franklin started in 1731 the first subscription library in North America; the original subscribers, fifty in number, signing articles of association dated July 1st of that year, calling themselves the Library Company of Philadelphia. They were "mostly young tradesmen," says Franklin, who adds that said class of Philadelphians, from this impetus to mental improvement, "in a few years were observed by strangers to be better instructed and more intelligent than people of the same rank generally in other countries." Additional names were enrolled in the course of a few years, and a charter was granted on Mch. 25, 1742. The collection now (1916) amounts to about 247000 volumes, including those of the Loganian library, united with it. Logan helped in the starting of the collection of the Library Company itself. He was not one of the original sub-

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scribers, but he offered through Thomas Godfrey to give advice as to the choice of books. This was reported at the meeting of March 29, 1732, and Godfrey was desired to thank Logan, "and the Committee esteeming Mr. Logan to be a Gentleman of universal learning, and the best judge of books in these parts, ordered that Mr. Godfrey should wait on him and request him to favor them with a catalogue of suitable books." George Maurice Abbot's *Short History of the Library Company of Philadelphia* gives the list furnished for the order made on March 31, the original purchase of books. In the Fall most of them arrived, and a rule was made that no person who was not a subscribing member take them out of the library room, "Mr. James Logan only excepted."

The first lodge of Free and Accepted Masons in the American colonies was organized in Philadelphia, some time before June 24, 1731, and was known as St. John's Lodge. At a "Grand" Lodge held a year later, William Allen was chosen Grand Master.

In the course of the ten years following, the versatile Franklin started a fire company, and invented a stove. Other fire companies were started on the model of his. He kept on with the printing business. Among his publications was, anonymously, in 1735 a translation into English verse by Logan of *Dionysii Catonis Disticha de Moribus ad Filium.*

Franklin was three days too late to print the first magazine in the American Colonies; for the *American Magazine,* projected and edited by John Webbe, appeared on Feb. 13, 1740-1, with its issue for that month, promising to be continued monthly, but only two numbers ever were issued, whereas Franklin's *General Magazine* appeared on February 16, and lasted until July 27, when the sixth number came out.

In 1743, Franklin suggested an American Philosophical Society with headquarters at Philadelphia, he offer-

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ing to serve as Secretary until some one more capable were found. Thomas Hopkinson, a lawyer, afterwards member of the Governor's Council, was made the President; it was he who first communicated to Franklin, as the latter says, "the power of points to throw off the electrical fire." Seven members holding the designation of botanist, mathematician, &ct., were required with the President, Treasurer, and Secretary to be residents of Philadelphia. John Bartram, the collector of botanical specimens, and Thomas Godfrey, before mentioned, are celebrated.

Franklin thought in 1743 of an academy for the education of youth, even asking Rev. Richard Peters to take charge, but, upon Peters declining, laid the matter aside until 1749.

Although Logan's connection with public affairs did not end in his service on the Supreme Bench, and he will therefore figure in later chapters, the rest of his career in these other respects may be given here. He not only corresponded with learned men, but wrote articles and papers for scientific societies, and several of his productions of this kind were printed on the Continent of Europe.

His translation of Cicero's *Cato Major,* or *De Senctute,* with explanatory notes was printed by Franklin in 1744. It was thought so good that it was reprinted in London in 1750, and in Glasgow in 1751 and 1758.

Already, as we learn from Richard Hockley's letter of Dec. 5, 1743, Logan had announced the intention of giving his library to the public, and of erecting a building 60 ft. front to hold it. At that date, he and Thomas Godfrey, we are also told, were very busy "inspecting into a comet that has appeared for 3 weeks past." Logan put up the building for the library facing Delaware 6th north of Walnut St. (in the block of ground now covered by the Curtis Building). The deed of trust which he had prepared, adding, moreover, a small en-

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dowment, he cancelled, in preparation for a new deed, which was never executed by him; but his will dated Nov. 25, 1749, spoke of his gift of the books to the City, the building, and 35*l.* annual endowment, and requested Richard Peters to assist in the placing of the books in the building. Logan was the first named of the original trustees of the Academy (afterwards the College of Philadelphia, and now known as the University of Pennsylvania), and left 500*l.* to it in his will. He offered for its site part of his lot fronting on 6th Street near the library building: but the Whitefield building was preferred.

Logan died at Stenton on Dec. 31, 1751, and was buried in the Friends' ground at Fourth and Arch. His heirs on Aug. 28, 1754, conveyed the library property to Israel Pemberton Jr., William Allen, Richard Peters, and Benjamin Franklin and their successors chosen by the surviving trustees, as trustees with Logan's two sons, William and James, and from said sons' death certain representatives of the Logan family. William Logan, the Councillor, acted as Librarian until his death in 1776, adding by his will all the 1300 books bequeathed to him by his uncle, Dr. Logan of Bristol, not duplicates of those already in the Loganian library, and giving such as were duplicates to the Library Company of Philadelphia. The Loganian library was made an adjunct to the other in 1792, and the Directors of the Library Company with the heir male of the family and his two appointees are now under Act of Assembly the trustees of the Loganian.

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CHAPTER XXIII.

JOHN, THOMAS, AND RICHARD PENN.

Compromise between the branches of the Founder's posterity, and release of power to sell government—Agreement between the sons of the second wife—The newly recognized Proprietaries and Governors-in-Chief—They buy handsome guns for some Indians, and have portraits painted of others—Anxiety about the Shawnees—Thomas Penn arrives, and meets chiefs of the Six Nations—Delawares release the Schuylkill Valley as far as the Kittatinny Mountains—Death of Shawnee visitors—Ganawese on war path—Border disturbance—Gordon appointed afresh—Quarrel with Hamilton—Gordon takes oath in Virginia—Question with the Assembly—A Roman Catholic chapel—Death of Mrs. Gordon—Visit of John Penn—The Zenger trial in New York—The discontinuation of the Court of Chancery—Thomas Penn offends nearly everybody—Death of Gordon—The Council, with Logan as President, administers the government—The Germans at Conejohela, and Maryland's expedition against them—The Six Nations release the land southeast of the Kittatinny Mountains, and make further covenants—Borderers' enterprise to conquer Conejohela as Marylanders—Capture of Cresap—Movements of Higginbotham, and willingness of the Quaker government to maintain the Penn claim with bloodshed—The Shawnees—The Walking Purchase.

The elder branch of the Founder's posterity, by means of the claim to the soil and government, finally wrested from the sons of the second wife some compensation, or

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owelty, for the inequality in the Founder's will. Springett Penn, son of William Jr., having died without issue, Springett's heir-at-law, his brother William, obtained £5500 for all general right to the soil and government; and, by lease and release of Sep. 22 & 23, 1731, he, for that sum, and his aunt Lætitia Aubrey, widow, his mother Mary Penn, and his sister Gulielma Maria with her husband Charles Fell, for 10*s.* each, conveyed the said premises to John, Thomas, and Richard Penn, excepting Pennsbury and the three tracts of 10,000 acres devised to Lætitia, William, and Gulielma, and all real estate by the Founder's deed or grant. Earl Poulett was directed, as surviving Trustee for sale of the government, to release his powers. Although this direction was not complied with until 1743, when his son and heir, the second Earl, executed the release, John Penn, as entitled to a moiety, Thomas Penn, as entitled to one fourth, and Richard Penn, who allowed the two others to hold the remaining fourth in trust for him, were now recognized as Governors-in-Chief and Proprietaries of Pennsylvania and exclusively entitled to the family claim to the Governorship and Proprietaryship of New Castle, Kent, and Sussex on Delaware.

Under date of May 8, 1732, these three made an agreement that they would devise their respective shares to their eldest sons in tail male, and, on failure of the eldest son's issue, to the other sons in order of birth in tail male. If any of the parties died without leaving male issue, or his sons died before attaining twenty-one years, or without male issue, the share of the party so dying was to go to the survivors or survivor and his and their heirs as the party dying should appoint, or, for want of appointment, to the survivors equally and their respective heirs in tail male, and for want of such heirs to the survivor in fee. It was provided that any one of the parties dying without issue

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could leave his share to either of the others as he might see fit. Power was given to charge in certain contingencies the share of one dying with certain sums, which are somewhat indicative of the value then estimated or soon expected for the estate by the parties. John could charge his share with £6000 for each of his younger children, and Thomas and Richard could charge theirs with £3000 for each of their younger children. If, however, John's children should all be girls, the estate passing to their uncles was only to pay £10000 among said girls, and only £8000 if there should be only one daughter: if Thomas's or Richard's children should all be girls, the charges for them could be only half as much. Under certain powers and contingencies, sums or life annuities could go to the widow of a party dying, to certain appointees of a certain class, to Lætitia Aubrey, and to the children of Mrs. Freame. In case of the death of a party leaving his heir in tail male a minor, the survivors could sell in fee. A party to this agreement could sell in fee his entire share, allowing the others the option of buying at the highest price offered. Notwithstanding a power of revocation, this agreement remained unaltered until the death of John. Shortly after its date, the two Proprietaries in England were willing to sell the whole for £60000.

Of the three Proprietaries and titular Governors, Richard, the youngest, may be dismissed from consideration with a few words, "without prejudice" to any claim which may be made that he had at least ordinary ability. He seems to have shown some independence of his brothers in marrying Hannah Lardner, of a Church of England family without wealth, and in following her into that Church, and having their children brought up as Churchmen. His recommendation obtained an office for his brother-in-law Lynford Lardner. Owing to Richard being free to qualify by oath and tests, when John and Thomas had scruples against doing so, John

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was at times upon the point of providing for Richard with the position and some of the emoluments of acting Governor, if the family could have the advantage of restraint by Thomas upon the administration. However, the youngest Proprietary never came to Pennsylvania, and was never more than the minority stockholder, and his connection with its history was being joined in documents with his brothers.

The head of the Proprietary family, John Penn, the eldest son of the Founder by his second wife, has been mentioned in the chapter on Penn's Second Marriage and Second Visit as called "the American," and as having been born in "the slate roof house" in Philadelphia. He remained throughout life a Quaker. With uncertain prospects, it was necessary for the Founder's sons by his second wife to prepare to earn a living; so John was brought up to the linen trade in Bristol. He made his home with his mother in London after his father's death, and at Feens in Berkshire subsequent to her death. John never married. As will be mentioned, he spent about a year in Pennsylvania. During at least the latter part of the time, he was in bad health. Having, before arrival, obtained a release of all the remainder or reversionary interest in his tract known as 12000 acres at Manatawny, he had it resurveyed, whereby it was found to contain 14060 acres, comprising, according to William J. Buck's *History of Montgomery County,* printed with Scott's atlas, all of the present township of Douglass and the upper portion of Pottsgrove, having the Frankfurt Land Company's land on the east. John Penn sold this by lease and release of June 19 & 20, 1735, to George McCall of Philadelphia, merchant. It bore for a time the name of Douglass. The Assembly made on Sep. 20, 1735, an address to John Penn, in anticipation of his departure, saying: "That humility, justice, and benevolence which has appeared in thy conduct since thy arrival here has very

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deservedly gained thee the esteem and affection of the people." Subsequently, while the popular feeling was stronger against Thomas Penn, there was no disposition to overlook John's part in the general action of the family. He was in control of the affairs of Pennsylvania until his death, as far as they could be controlled by absent Proprietaries and titular Governors.

Thomas Penn, the second son of the Founder by his second wife, was apprenticed to a "mercer" in London in early life, and afterwards was in business as such in Lombard St., London, retiring therefrom after the death of his partner. Thomas Penn, without intending a long stay, came to the dominion, in response to the desire of many persons for the presence of one of the family, as well as because of the expediency of having the real estate managed in detail by a party in interest on the spot with discretionary powers. During several years' residence, except while John also was there, Thomas spoke for the family, although under general instructions. For two years, from the death of John until the close of these Chronicles, as also for about twenty-seven years more, until his own death, Thomas Penn was in control. The preservation and development of the great estate may lead some to credit him with much business capacity, but he lacked the qualities of a diplomatist and a politician, which his position required.

The new Proprietaries were not undertaking to be philanthropists, but were simply landlords and dealers in real estate, occasionally, to be sure, assisting movements and institutions, churches included, tending to the improvement of their property. To offset the impression of sordidness, Thomas in particular had no ingratiating manners. Perhaps he should be excused, as shy and not brought up to play the part of a prince. Overwhelmed by the great reception which he met at his landing, it is reported that when, to respond, he

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took a glass of wine in his hand, he trembled so much that he was scarcely able to hold it, and only at length recovered himself to return the compliments (Watson's *Annals*). In 1732, any one putting the Proprietary affairs in order, had to face an enormous number of trespassers and delinquents. With the rest of the population, including many persons of consequence with unhappy dispositions, Thomas was unable to make use of the very considerable loyalty to the feudal lords and hereditary rulers; a loyalty of which the forms were long preserved in public addresses by language which would be deemed sufficient for a king by modern persons of American ideas, who regard the language used to a king as little short of blasphemy. The old differences with William Penn had been forgotten, the men opposed to him had died, and his memory was justly revered for having provided the inhabitants with such a goodly land and such civic blessings. His children were naturally objects of affection, and the coming of one to live in the colony, and perhaps some day to administer the government without a deputy, was the fruition of the immigrants' hope. The first disappointment was experienced by individuals, rather than the public, from his indifference, seclusiveness, and neglect of them. It was at least a year from his arrival before he had appeared at any gathering in Bucks County, or even dined with Langhorne, the head of the County Court. An anecdote is told of Thomas Penn's discourteous coldness. When the Rev. Hugh David of Gwynedd called on him, having prepared a poem of welcome referring to the descent which William Penn had claimed from the Welsh Tudors, Thomas Penn spoke three sentences: "How dost do?" "Farewell." "The other door." Mr. David did not hand him the poem. To be sure, there were some persons whom Thomas Penn made his companions, relatively young, and without weight in the community. Chief among these was

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Robert Charles, whose sole importance was being the Lieutenant-Governor's secretary and son-in-law, becoming Provincial Secretary and Clerk of the Council. The circle thus formed, moreover, was not a pattern in behavior, the Governor-in-Chief and some companions being guilty of a "riot." Thomas Penn, Roger Fraam, Robert Charles, William Attwood, James Sherly, William Chancellor, and Thomas Sharp, all of Philadelphia, went over to Newtown, Gloucester Co., New Jersey, and there entered a lot of Joseph Mickel (Mickle), a Quaker, beat him severely, and entered his house, and spoiled his goods. The warrant for their arrest, dated Nov. 19, 1737, is printed in *Penna. Archives,* 1st Series, Vol. I, p. 546. What conduct and circumstances, before or after this, turned against Thomas Penn one element of the population after another, will appear in the course of this narrative. The bitter feeling against him is a noteworthy phenomenon of Pennsylvania history, and may almost be said to have been the cause rather than the result of the disputes with the Proprietaries. For some measures as agent of the others, he has probably been John's scapegoat. To the inhabitants of the colony, feeling no respect or liking for a person of Thomas's characteristics, the stern enforcement of the family rights seemed to be his act, while the far away senior Proprietary, who had, in a short visit, made a favorable impression, might be supposed more benevolent. Yet Thomas could claim, that, in the exercise of his discretion, he had shown consideration. He once wrote that he could lawfully have seized more than 1000 houses and settlements, and thus have gained the value of the improvements, the residents having taken the land without the Proprietaries' consent, but that he had always given to the residents the opportunity to purchase at a valuation as vacant. To be sure, where a whole district had been occupied by "squatters" who would defend themselves,

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he was unable to evict. To several persons, and particularly the next Lieutenant-Governor after Gordon, Thomas Penn showed at times more generosity than John. Although John presented an air-pump to the Philadelphia Library, it was Thomas's doing that the Proprietaries gave the Company a lot, 60 ft. front on the south side of Chestnut west of Delaware 8th by 255 ft. deep, whereon to build the library, he offering to have the value charged against him, if the brothers objected to the gift.

All sons of William Penn had been brought up, whether by him, or by his widow, to consider the Indians; and various tribes of them for some years before Thomas Penn's visit were looking forward to the coming of one of the sons—in fact of the American-born one—to deal for land. If Proprietaries John, Thomas, and Richard became mean and penny-wise, there was a contrast to this in Thomas's bringing over as a present a gilt and japanned gun for the head man of each of the Six Nations, just as there was another instance of pleasing extravagance in the Proprietaries' flattery of Teeshakomen and Lappawinzo, Delaware chiefs hereinafter mentioned, by having their portraits painted in 1735 by Hesselius, which portraits, presented by Granville Penn in 1834 to the Historical Society of Pennsylvania, are supposed to be the only ones for which any Pennsylvania Indians ever sat. Gordon and his Councillors, learning in 1731 of various aggressive steps of the French endangering British interests in North America, were particularly concerned that a French gentleman had been residing some time among the Shawnees, had taken some of the chiefs to Montreal on a visit in 1730, and also in 1731, and had introduced a gunsmith to work for the tribe gratis. As to the Delawares, Sassoonan dwelt at Shamokin, not so near the French, but 300 men were distributed on Kythenning (Kittanning) River and Connumach (Conemaugh)

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Creek and Choniata (Juniata) River. It was determined to apply to the Six Nations both to keep the Shawnees in alliance, and to induce them to return to the neighbourhood of the English settlements. Shikallima coming to Philadelphia with the broken-hearted Sassoonan, as mentioned in the last chapter, the former was sent to the Six Nations to ask them to make a visit. Lieut.-Gov. Gordon and the Penn real estate agents laid out in November, 1731, a tract of 10000 to 15000 acres around the principal town where the Shawnees had been last seated, between the Conegogwainet and Shawnee Creeks west of the Susquehanna, to accommodate the Shawnees and such others as might think fit to settle there. The Shawnee chiefs were also invited to a conference.

Thomas Penn landed at Chester, Pa., on August 11, 1732, and was waited upon there the next day by the Lieutenant-Governor, all the Councillors who could take so long a ride, and "a very large number of gentlemen," and, after dinner, was escorted to Philadelphia, being met on the way and welcomed by the Mayor, Recorder, and Aldermen, accompanied by "a great body of people." He at first stayed at the Lieutenant-Governor's house.

On the 18th, eleven Seneca, five Cayuga, and four (including Shikallima) Oneida chiefs arrived, in answer to Gordon's request of the preceding year. After "a few days being spent in mutual civilities," Thomas Penn had meetings with the chiefs in the presence of Gordon and his Council, and spoke through Conrad Weiser as interpreter. The speaker for the Indians presented "Brother Onas" with a fine painted mantle of dressed otter skins, and put it over his shoulders. Although it was disclosed by the visitors that the Six Nations and the French had buried the hatchet, and that the Governor of Canada had, about five years before, spoken of a coming war between the French and

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the English, and had asked the Six Nations to be neutral, the information gained was on the whole satisfactory: the Six Nations had answered that in such a war they would assist the English; the Six Nations had strengthened themselves with alliances, and brought over certain tribes to trade with the English instead of the French; the French interpreter at Allegheney had been notified that the lands on the Ohio belonged to the Six Nations, and, as he had not removed, the Six Nations were appealing to the French Governor; the Six Nations had never intended to hurt the Shawnees, and had told Kakowwatchy to turn his face to Pennsylvania, and Sassoonan that the Delaware Indians must come back from the Ohio. It was pointed out to the chiefs, that, as the Six Nations were the heads of all the Indians in those parts, and the Shawnees were under their protection, the Six Nations should join the Pennsylvania government in engaging the Shawnees to return. The chiefs, after two days consideration, asked the Province to cooperate by not letting its traders go to the Ohio. It was agreed between the Pennsylvanians and the chiefs that both the Shawnees and the traders be allowed to remain until the following Spring, and also that Shikallima and Conrad Weiser be employed in all messages between the government and the Six Nations. There having been complaints of the treaty being made in secret, two meetings at the end were held before a large audience in the "great Quaker Meeting House;" and articles agreed upon at the earlier meetings were recapitulated, including the prohibiting of warriors from molesting English subjects, and including the sending back of runaway negroes; and the league of friendship was renewed and extended to all the allies of the Six Nations. With the six guns brought by Thomas Penn, and with considerable quantity of clothing and material, powder, bullets, flints, kettles, tools, &ct., these Indians departed.

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Hardly had they left Philadelphia, when Sassoonan and others of the Schuylkill Indians came to Stenton, and conveyed, under date of Sep. 7, 1732, to the Proprietaries in fee all the land on or near the Schuylkill River or any waters flowing into or towards the same between the Lechaig (or Lehigh) Hills and the Keekahtanemin (or Kittatinny) Hills. The words were added "and all the land whatsoever lying within the said bounds and between the branches of Delaware river on the eastern side of the said land and the branches or streams running into the river Susquehanna on the western side of the said land." The literal meaning made the eastern and western boundaries to run zigzag from spring to spring of the creeks flowing into the Delaware and Susquehanna respectively, and soon after this we find Delawares at the Forks (about Easton), or below, claiming land there, the disposition of which was included in the Walking Purchase. The consideration for this deed of 1732 seems to indicate that twenty families were concerned. Ten years later, Lingahonoa, a Schuylkill Indian who had not been present, but had since received the share of the proceeds, left for him in James Logan's hands, testified full agreement and joinder in the conveyance.

Four Shawnees, of whom two, Opakethwa and Opakeita, were chiefs, and the other two were young lads, came to Philadelphia in the same month in which the Six Nations finished their treaty, and in which the Delawares made their sale. Opakethwa reported the words of the French Governor as desiring the Shawnees to live at peace with all Christians. To a request that the Shawnees should move back, and that in future the wives and children should be left nearer the people of Pennsylvania, even if the hunters must roam to the distance that they had now gone, the chiefs answered that the families had been taken away because of fear of the Tuteloes, who were enemies, and that the present resi-

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dence suited better. However the land laid out for them would be looked at, and the chiefs desired it to be secured to them. One of the lads who had accompanied the chiefs was Quassenung, son of Kakowwatchy. Quassenung was taken ill with smallpox, although there was no case of it in Philadelphia. Opakethwa, after the others had left with presents, stayed and took care of him, Dr. Græme attending him. Quassenung became convalescent, or, indeed, as the minutes say, got well of that disease, but Opakethwa caught it and died. He was next day "handsomely buried." Quassenung "was seized with violent pains"—was the diagnosis beyond the doctors?—"and languished till the 16th of January; he then died, and was likewise the next day buried in a handsome manner." Cannon were fired at both funerals.

The kindness and the honors, however, did not alter the decision of the Shawnees at Allegheney, and, although the Six Nations, as requested, tried to induce them, under promise of protection, to return to the Lower Susquehanna, they did not do so, but announced their intention to go further northward, or, in other words, to the French district, and, it was reported, expressed a wish for the Delawares to join in this change of location and allegiance. A sub-tribe of Shawnees from the south, the Shawsygiras, consisting of about thirty young men, ten old men, and the women and children, joined their Pennsylvania cousins. In or before 1735, a Seneca who was the speaker to urge the Shawnees to return, became very unpopular, and was murdered by some of the Shawsygiras. The Shawsygiras quickly moved off to their old seat, below Carolina. The other Shawnees expressed the desire to be at peace with Pennsylvania.

The Ganawese, or Pascatoways, were on the war path in 1732 against the Tuteloes: and certain of the former who were under suspicion, not very well founded, of

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having murdered in the Autumn a white settler and his wife in Spotsylvania County, Virginia, were killed in North Carolina in the following Spring, which saved the Pennsylvania government some embarrassment, when, afterwards, the Lieutenant-Governor of Virginia demanded the surrender of the guilty for punishment.

There was considerable scuffling in 1732 and 1733 in the neighbourhood of the lines agreed upon in 1732 by the Proprietaries of Pennsylvania and Maryland: horses left on the western bank of the Susquehanna by Pennsylvanians were killed; and there were arrests even in endeavor to collect taxes, and some arrests were followed by rescues. Some Germans, not of the peaceable sects, joined the Marylanders at Conejohela, understanding that the Susquehanna was the boundary between the provinces. Mark Evans, from Bucks County, joined them, probably less ignorantly. When Robert Buchanan, the Sheriff of Lancaster County, undertook to enforce process on the western bank, he nearly lost his life. On Sep. 22, 1735, he arrested Jacob Lochman for a debt due to William Branson of Philadelphia. Lochman being unable to give bail to the action, the Sheriff was bringing him to Lancaster to be imprisoned, when twenty or more men on horseback, with Mark Evans at their hand, rescued Lochman, and severely beat the Sheriff and assistants.

Thomas Penn, although in the minutes of the Council taking precedence of the Lieutenant-Governor, left the government in the latter's hands, rarely attending the meetings except for Indian and Maryland affairs. Notwithstanding the law for continuing a Lieutenant-Governor after the death of a Governor-in-Chief, the question was raised as to the powers of Gordon after the death of Springett Penn without a commission from the new Proprietaries and royal approval following their nominating him. So John, Thomas, and Richard Penn, although they had in 1732 thought of making a change,

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decided to reappoint Gordon, and petitioned the King for the approval. They delivered to the Commissioners for Trade and Plantations the usual declaration for saving the rights of the Crown to the Lower Counties: and, on Aug. 2, 1733, the King in Council approved of Gordon as Deputy Governor of Pennsylvania without limit of time, and of the Lower Counties during pleasure, provided he qualified according to law, and gave security in £2000, before the Lieutenant-Governor of Virginia or the Commander-in-Chief of that Province, for observing the Acts of Trade and Navigation, and for obeying instructions from his Majesty or any acting under his royal authority. Almost contemporaneously with the making of this order, the Assembly of Pennsylvania reconvened, and sat for about a week, without hearing from Gordon, and then, although having voted to him 400*l.* as the balance of his salary for the year, decided to adjourn on account of his want of authority. Those were not the days of Atlantic cablegrams. Gordon resented the Assembly's stand, and, without waiting for a quorum of his Council, wrote to ask for the reason for not attending to business, the regulating of the flour and the renewing of the excise on liquors being important. John Wright and Samuel Blunston, members of the House, came merely as friends, and asked him to withdraw the message, but were told at a meeting of the Council that afternoon that he would not withdraw. At nine o'clock at night, Israel Pemberton and Robert Jones came from the House with an unsigned paper to the effect that the Assemblymen believed Gordon to have been acquainted with the difficulties in proceeding to legislation in March, that the difficulties were continuing, that Gordon's message was unseasonable, and that a further examination of the reasons for not proceeding with business might not be agreeable to him. A verbal answer that no time was unseasonable, and that the hearing of truth would not be disagreeable,

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was taken back, but the House adjourned to the last day of the members' term.

Possibly the Assembly's attitude arose from the quarrel between the families of the Speaker and the Lieutenant-Governor. Gordon's daughters and Miss Margaret Hamilton, the Speaker's only daughter, had a falling out. The fathers, one being old and irascible, the other always very touchy, became involved. In the election of 1733, Gordon exerted his influence, and caused Hamilton to be defeated for Assemblyman, but, two months later, he was chosen to fill a vacancy.

The certificate of the King's approbation of Gordon as Deputy Governor of Pennsylvania &ct., and the instruction to the acting Governor of Virginia to administer to him the oaths, and to take from him the security, arrived in October; and, in the same month, a new Assembly chose Jeremiah Langhorne as Speaker, and adjourned until Dec. 17, and Gordon, having added Thomas Griffitts and Charles Read to the Council, started for Virginia. Part at least of the journey was by sloop. Gordon, giving the security, took the oaths at Williamsburg on Nov. 14, before William Gooch, Lieutenant-Governor of Virginia, and reached Philadelphia on Nov. 30, and the commission and other documents were published at the court house on Dec. 1.

In a bill to prevent the exportation of flour not merchantable, the House inserted a clause, that, on the death or removal of one of the officers named, the vacancy should be filled by a vote of the Assembly. This, the Governor rejected as interfering with his prerogative of making appointments. On the House persisting, he, on the advice of most of his Councillors, in order not to jeopardize the bill, sent word that he would agree, as he conceived that the words "until the Assembly appoints another" meant an appointment by a bill, to which his consent was necessary. The House however would not let silence be interpreted as assent to this

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understanding, and so resolved that the meaning was that his consent was not necessary. Thereupon the Governor passed the law.

The few Roman Catholics in Pennsylvania before 1729 seem to have been ministered to as a rule by Jesuit priests residing in Maryland. In that year, as we learn from the Rev. Joseph L. J. Kirlin's *Catholicity in Philadelphia,* Rev. Joseph Greaton, S. J., became resident in Philadelphia. He probably held services in the house of John Dixon, next to the southeast corner of 2nd and Chestnut. On May 14, 1733, Dixon bought a lot on the south side of Walnut east of 4th, and, on the day following, conveyed it to Greaton, who built thereon the first church edifice called St. Joseph's. It was 18ft. by 28ft. in size. The minutes of the Governor's Council of July 25, 1734, tell us of Gordon's concern that a house lately built in Walnut Street had been set apart for the exercise of that religion, and that mass was openly celebrated by a Popish priest in violation of the Act of Parliament of 11 & 12 Wm. III, c. 4, extended to all the King's dominions, the attendants, however, claiming, that, under Penn's Charter of Privileges, they could not be molested in their conscientious practice. On July 31, the Council, Logan, Preston, Plumsted, Hasell, and Read being present, left the matter to the Lieutenant-Governor, he, if he saw fit, to write to England for advice and directions, in view of the law of the Province for religious liberty passed Jany. 12, 1705-6, being subsequent to the Act of Parliament, and never repealed. No interference by the civil power ever took place. Starting with about forty adults at that time, the Roman communion in Pennsylvania grew at first rather slowly. In a few years, a stone church was built at Lancaster.

Gordon's wife died at their country seat near the city on Saturday, Sep. 13, 1734, after an illness of several months. Her remains were brought into the city early

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the next morning, and interred in the evening, presumably in one of the burying grounds of Christ Church, the records of which mention the burial, but no slab, unless one of those with the inscription worn off, marks the spot.

On September 20, 1734, the eldest of the Proprietaries, John Penn "the American," landed at Chester, where his brother and several gentlemen received him, and on the next day the Mayor and Recorder and a numerous company welcomed him on his crossing the Schuylkill. He proceeded to Thomas Penn's house. John remained almost an exact twelvemonth in Pennsylvania, being called to England to defend his cause against Lord Baltimore.

Hamilton, in 1734, was reelected an Assemblyman, and became again Speaker. Before the next election, which resulted in his continuance as Speaker, he defended John Peter Zenger, publisher of a newspaper in New York city, at his trial there for libel in criticising the arbitrary acts of the government of that province. Zenger's lawyers, objecting to the legality of the Judges' commissions, had been stricken from the roll of attorneys. Hamilton, perhaps to prevent the spread through other colonies of the New York governmental method, took the case without fee or reward, and, when evidence of the truth of the statements as a justification was rejected, he secured an acquittal by an appeal in behalf of liberty to the jurors, aware from personal knowledge that the statements were true. It was a great victory, almost decisive for all future time in America, for the right of the press to criticise the government, and to expose true facts of maladministration. The achievement gave Hamilton a great reputation throughout the colonies, and very considerable in Britain.

In the Winter ending the year 1735, there was agitation assisted by Hamilton, if not started by him, against

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the Court of Chancery composed of the Lieutenant-Governor and Councillors. Petitions were sent to the Assembly of Pennsylvania from the different counties complaining that a tribunal of such composition was contrary to the Charter of Privileges, or Frame of 1701, inasmuch as that Charter provided that no person should be obliged to answer any complaint &ct. relating to property before the Governor and Council, or in any other place, but in the ordinary course of justice, unless appeals thereto were appointed by law. Adopting this view, and in compliance with the prayer of some of the petitions that equitable relief be obtainable without the inconvenience and expense of attending the Governor in Chancery, the House sent to Gordon two bills, one confirming the decrees and sentences given by the existing court, and the other establishing, in place of the latter, certain courts of equity, to be held by appointed Judges. Gordon and the Councillors were indignant at being declared to have held an illegal court, and, in a paper prepared by Logan, nine Councillors suggested that the word "property" in the Charter related only to the Proprietary's claims, and that procedure in a court by the rules of Chancery was in the ordinary course of justice. Neither of the proposed laws was enacted, the Assembly closing its session on February 21, after answering this paper, and after witnessing the Governor's passing of other laws. The Chancery Court, in which Gordon had, during his administration, made final decrees in only two cases, and then by consent, died with him.

By the influence of Robert Charles, Thomas Penn, although assuming to be neutral, was led away from Hamilton, who, as his advice was less and less often asked, and at length each time disregarded, became bitter. Logan, too, whose longer connection with the family's affairs entitled him, even more than Hamilton, to be an intimate friend and political mentor,

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found himself slighted. Charles assumed something like the airs of a royal favorite, and other chums seemed ambitious to supplant Logan in prominence. Finally, in February, 1735-6, there appeared in print a pretended historical sketch of the reign of Louis XIII, in which, by using the names of the Marquis d'Ancre for Hamilton, the Marquis's wife Galigai for Logan, the Queen for Thomas Penn, the Duke d'Epernon for Governor Gordon, and Barbin for Dr. Chew, and Alcantara for New Castle, it was stated that Hamilton and Logan were betraying the Penn family's cause to Lord Baltimore, and that Thomas Penn had discovered it, but was dissembling. Logan believed Isaac Norris, son of the deceased Isaac, to be the author, but many believed Robert Charles to be. Charles refused to answer questions except to Thomas Penn, because it would "narrow the inquiry." What, after all, deeply wounded Hamilton and Logan was that Thomas Penn let weeks elapse without even denying the truth of what was printed as to his feelings toward them. Logan, declining to have any further intercourse with Charles, who was indebted to him for considerable training in public service, felt that there was an end of friendship with the son of William Penn.

While Thomas Penn was offending the old members of the Proprietary party, and while, too, he was prosecuting "squatters" and delinquent tenants, he was not gaining friends in their place. By not endeavoring to conciliate the large body of colonists adverse to the officials, he lost the chance of having a devoted following. He does not seem to have ever commended himself much to the religious Quakers. Whatever he may have been preceding or during his brother's visit to America, there have been statements that he was afterwards immoral. As illustrative of this, and of his niggardliness, is the story from a garrulous old man, whose tales were not always true, that the latter was

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told by Marshall, who made the walk for the Walking Purchase, that he went shortly afterwards to Thomas Penn for a warrant for land expected as a bonus for the successful walker, but was offered only the 5*l.* promised to each walker, whereupon Marshall cursed Thomas Penn and "his half-wife" to their faces.

As there could be no legislation in the absence of a qualified Governor, a truce in politics was brought about by the death of the Lieutenant. Patrick Gordon, long in failing health, and at intervals unable to meet Council or Assembly, died early on Thursday morning, August 5, 1736, in the 73rd year of his age. Funerals at that time were becoming very ostentatious and expensive. In his will, he asked that he be buried as near as possible to his wife, and without pomp or the least unnecessary expense, and be carried by eight poor men in the day time, they to receive 10*s.* each, and that there be no general invitation to the funeral, but only his sons-in-law and the members of the Council and a few of his most intimate friends in attendance.

When, by Gordon's death, the government devolved upon the Council, Logan, to whom attendance upon meetings of the body and joining with four Councillors in every act would be more onerous than to others, would have declined the Presidency, and even offered to have some one else chosen; but members urged him to assume the headship, which he did, impressed with the unfitness of those next in seniority, Preston and Palmer. Obliged therefore to cooperate with Thomas Penn, Logan moreover retained Robert Charles as the Secretary, and found him very efficient. Norris made submission to Logan, and married his daughter Sarah.

Before Gordon died, there was a movement which nearly made an intercolonial war the business of the administration which succeeded his. The Germans across the Susquehanna, having been disappointed in the circumstances in which they found themselves, pay-

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ing taxes or levies, and not receiving title papers for the land on which they dwelt, learned, after their joining in resisting Sheriff Buchanan, that the Penns claimed title to the region. Those at Conejohela may even have perceived that they were north of the northernmost limit claimable by Maryland, viz: the fortieth parallel. They appear to have had communication with emissaries of Thomas Penn, who was himself managing the affairs of property, and directing the proceedings in America against Lord Baltimore. Logan had not been consulted, and thought that the movement that was promoted among these Germans or the encouragement given to them in it was a false step. A decision to accept the Penns as landlords was made by all the people of Conejohela except Cresap and three or four men or families related to him. At the suggestion of Samuel Blunston that the action should be above board, between fifty and sixty signed a letter, dated August 11, 1736, to the Governor of Maryland to the effect that they inferred from the treatment of them that he and his magistrates did not really believe those signing to be within his jurisdiction, and that the latter would thenceforth, until a legal determination of the disputed boundary, adhere to the Proprietaries of Pennsylvania, whom they had wronged. Mark Evans had received a Maryland commission as a Justice: he sent it back by the bearer of the aforesaid letter. It is said that the Germans of their own motion made application to be recognized as Pennsylvanians to the officials of Lancaster County, the magistrates of which thereupon appointed two constables over Conejohela. One of these was seized and carried some distance by the four men adhering to Cresap, but was let go, upon pursuit being made.

The Lieutenant-Governor of Maryland undertook to punish those who denied the title of the landlord under whom they had settled. A surveyor was sent to survey

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as far as Codorus. He worked under a guard commanded by Cresap. The Sheriff of Baltimore County was sent to suppress the insurrection at the head of an army, *i.e.* 250 men, drawn equally from thirteen militia companies, and armed, mounted, with drums beating and trumpets blowing, and led by militia officers, commanded by Col. Edward Hall. The Sheriff of Lancaster, belonging to a government which exercised civil authority only, had no difficulty in gathering a posse, and took the same across the river to protect the Germans. There was a delay in the army's coming. When, after reaching Cresap's on Saturday night, September 4, it arrived at John Hendricks's, the next day about noon, the posse had largely dispersed, but about thirty, with some of the Germans, were at John Wright Jr's. That afternoon, Col. Hall and some officers went to Wright's, and made a demand for the surrender of the Germans, which resulted in an arrangement for a conference between the two Sheriffs on Monday. On Sunday afternoon, the Sheriff of Lancaster brought across the river on a flat a large number of men to reinforce those at Wright's. Cresap wanted to fire upon them, but was restrained by Col. Hall, for which Cresap afterwards spoke of him as a "damned coward." The army went back to Cresap's that evening, some, we are told, blaming him for all the disturbance, and disinclined to fight the Pennsylvanians on his account. The conference did not take place. The Pennsylvania force having increased to one hundred and fifty, the Sheriff of Lancaster demanded the surrender of Cresap and three others as rioters, and the Sheriff of Baltimore retorted with a warning that he would defend them. Michael Tanner, a leader among the Germans, was allowed to go to the Maryland officers, and received a promise of not molesting those who had signed the letter to the Governor of Maryland for two weeks, to await an answer to an offer of better treatment if they would re-

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turn to their allegiance to Maryland. Then the army went home, leaving a threat that in case of non-compliance the Governor of Maryland would come with a larger force, and make evictions, and put in possession persons who would be faithful.

In the same month and that following, the government of Pennsylvania had very satisfactory dealing with the Six Nations. The ratification of what had been agreed to by their delegation in 1732 was brought by over one hundred Indians from all the Nations except the Mohawks. The visitors came by way of Shamokin, and stopped at Logan's plantation, Stenton. Thomas Penn and some Councillors went out from the city the following afternoon, and had a preliminary parley with them. Smallpox had started in the city, but the Indians, after staying three nights at Stenton, went to the outskirts, and rested again for a few days. The inhabitants were not deterred from crowding the Great Meeting House, where, on October 2, the articles stipulated for were formally and publicly confirmed, except that nothing was said about the returning of runaway slaves.

What was conducted privately was a transfer of land, more important to the Penn family than the public promises just made. On October 11, the sachems present, five Onondaga, five Seneca, four Cayuga, and two Tuscarora, and other chiefs received a quantity of powder, lead, blankets, hats, and wearing apparel, and released and confirmed to the Proprietaries the River Susquehanna with the lands on both sides, eastward as the springs which run into it, and westward to the setting of the sun, from the mouth of the river to the mountains called in the Iroquois language the Tyannuntasacta or Endless Hills, and by the Delaware Indians the Kittatinny Hills, with all the right, title, &ct. thereto of any person belonging to the Five Nations. Only such goods as were considered the equivalent of

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the land east of the Susquehanna were on this visit delivered, the sachems choosing to defer the delivery of the price for the land west of the river until a later visit.

The desire of the Pennsylvania government to punish offences against any Indian was illustrated before the sachems departed. News came from Allegheney of the death of a Mingo, or member of one of the Nations, from a blow given by Solomon Moffat, a blacksmith, in a quarrel. Moffat had fled. The Council issued a proclamation offering a reward for his capture, and explained to the sachems that he would be hung, if the trial should determine that the killing was wilful.

It required considerable firmness in the officials of a colony without an army, and was possible for them because of the long cultivation of good will, not to yield to various requests of the powerful confederacy. The sachems asked that all the traders be recalled from the Ohio and the branches of the Susquehanna: the Council declined to let the trade be abandoned to the people of other colonies. In later talks, the sachems said that the Governor of Maryland had written that he was instructed by the King to see that the Indians were not wronged as to land, and he had heard that the government of Pennsylvania had wronged them, and he would write to the King to have justice done: the sachems desired that Penn and Logan write to the governors of Maryland and Virginia to make them pay for land their people had taken, for all the lands on Susquehanna and at Chanandowa had belonged to the Iroquois. The reply to this was that the Proprietary was not satisfied as to the Iroquois' title to such land. The sachems complained of the prices asked by the Pennsylvania traders, greater than the prices asked by the New York traders, and said, that, owing to the black dust in the powder from New York, the Pennsylvanians had a great opportunity for selling good powder: the reply was that the

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traders made very little profit, and were under no regulation as to price. The sachems appeared to be satisfied.

One of the last remarks of the sachems was that Civility had no power to sell any land, and, if he should attempt to do so, they would disown him.

To correct the ambiguity of the deed of October 11, nearly all the sachems, while on their way home, signed a supplemental deed, dated October 25, 1736, explaining that the meaning was to release all claim within the bounds of Pennsylvania beginning eastward on the Delaware as far northward as the Endless Mountains as they crossed Pennsylvania from eastward to the west. The sachems promised for themselves, their children, and their children's children that neither they nor any in authority in their Nations would ever sell or make over to any person white or Indian, except the Proprietaries, children of William Penn, or persons by them authorized, any lands within the limits of the government of Pennsylvania.

The Germans against whom the Governor of Maryland had sent his army, and to whom the army, on retiring, had granted time to decide whether to reacknowledge Lord Baltimore as landlord, remained firm. Ogle, the Governor, started to put in possession of the lands which they had occupied others who would be dependable partisans. Apparently the first to have lots awarded to them were Thomas Thompson of Londongrove, Chester County, and a few friends, Thompson being brother-in-law of the Rev. Jacob Henderson, the Episcopal Commissary of Maryland, who was supposed to have suggested that persons from that and adjacent townships should undertake the settlement. Henry Munday of Londongrove, who had been impoverished by proceedings in Pennsylvania's Court of Chancery, was brought into the movement, and drew up a paper, whereby thirty-one persons agreed, on receiving the

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lands of the Germans, not only to pay the usual fee or rent, but also to defend the title with life and fortune. Another promoter, Charles Higginbotham, also secured about twenty more adventurers. Not hesitating in compassion for those to be turned out of doors in the cold of November and December, Governor Ogle directed the deputy surveyor to lay out 200 acres for each of the fifty and more persons named by Munday and Higginbotham, and promised arms to at least such as were of the Church of England, and offered a reward for the apprehension of Blunston, Wright, and others. Arms, ammunition, drums, &ct. were sent to the house of Edward Rigby in Baltimore County: but, the project being discovered by persons loyal to the Penns, and a warrant obtained from one of the Provincial Judges of Pennsylvania, Munday was arrested on the very day appointed for a conference of some of the party, and Edward Leet, another adventurer, surrendered himself; and both were brought to Philadelphia, but Higginbotham escaped. Not to leave Cresap at large when the claimants under Maryland should arrive, the magistrates of Lancaster County, taking advantage of a charge against him of murdering Knolles Daunt, decided to have Cresap locked up. The Sheriff and twenty-four attendants, on November 24, besieged Cresap's house, he, surrounded by his family and five companions, refusing to surrender. This garrison making defence with powder and ball, the Sheriff, after giving warning, and making an offer to let the wife and children escape, which Cresap did not accept, set fire to the house. As all rushed out, Cresap and his companions shooting at the besiegers, Cresap was wounded, or had been wounded when in the house, and he and four of the other men were taken, the fifth being killed, perhaps by the bullet of one of his own party. Cresap was brought to Philadelphia, and put in irons, the Council deciding to deal leniently with the others con-

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nected with the project, even letting off without prosecution all who would on examination make candid confession and submission to the government, and give their own recognizance for good behavior.

Governor Ogle sent the Secretary and the Attorney-General of Maryland to represent the "inhumanity" of the capture of Cresap, and to ask for the punishment of those taking part. The Council, justifying the action of the latter, even refused to admit Cresap to bail, and the Maryland commissioners left Philadelphia, casting reflections upon Logan, because, while the Council's answer had been silent as to bailing three of Cresap's companions, and Logan had privately expressed himself in favor of its being done, he had required application to be made to one of the Judges, and Dr. Thomas Græme, the one applied to, had decided that he could not do so legally, in view of the commitments.

During the visit of the commissioners, the Council and Assembly united, in a petition to the King, dated Dec. 11, 1736, to enjoin Lord Baltimore and those claiming authority under him from further acts of violence, and to make him, until the boundaries should be legally determined, confine himself to the line set by his grandfather.

Higginbotham, who had fled from arrest, received the appointment from Ogle of captain in the militia, and brought about eighteen persons to Conejohela in December, with the intention of carrying out Ogle's purpose of dispossessing the Germans. Joined by various runaway servants and other disorderly characters, he had a force to enable him, as opportunity offered, to carry off to imprisonment in Maryland any who resisted him, and any of those who had joined in the "invasion" or "riot" which accomplished the capture of Cresap. Two persons had been attacked, when, on December 29, the Council ordered the Sheriff or some magistrate of Lancaster County with proper assistance to read the

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Riot Act, and to give warning to all who would not disperse, and to apprehend all who attempted to seize or turn out of possession any of the inhabitants. Nevertheless, on that very day, some of Higginbotham's company seized six men, including four Germans, as they were digging a grave, and, in the coldest season known for years, took them on foot one hundred miles to jail, where they were kept without fire, and for twenty-four hours had nothing but a pint of boiled Indian corn. Higginbotham established a "fortress" or guard house, where, on being pursued, some who had broken into houses, and taken six prisoners, were sheltered. The wives and children of the captured Germans and other families sought refuge on the eastern side of the river, and Blunston submitted to the Council at Philadelphia whether it would be better to remove all those on the western side, or to defend them at the risk of bloodshed.

Logan, who was a Quaker by birth without the extreme views of a convert, was not thoroughly imbued with the peace principles spread through the Society of Friends; and several other Quaker Councillors, if they did not make the same distinction as he did between offensive and defensive, or lawful and unlawful, war, had no compunction about killing a man to maintain legal authority. The suggestion to avoid bloodshed by evacuating for a few years, pending the judicial decision, found favor with only one of the Councillors considering it, they being four Quakers and two Churchmen. It was decided not to be consistent with the honor or safety of the Province to choose any other alternative than opposing Higginbotham with ample force. However, by the Sheriff putting a strong guard on the western side of the river to watch the movements of the Marylanders, and by his restraining his own citizens from undertaking to storm the fortress, and by the rapid movements of the followers of Higginbotham either to the fortress or to the heart of Maryland, noth-

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ing happened more serious than an occasional carrying off to jail, and interference with the Germans ploughing. Higginbotham offered, in the name of the Governor of Maryland, to pay for the improvements made by some of the Germans, and had told some that they would not be molested, if they remained neutral. The Germans were pretty well scared, and thought of going in a body to Annapolis, and of appealing to the Governor there for protection on his own terms. Their failure to take part in the measures for their defence caused a delegation of them, which came to Philadelphia in April for advice, to be told that the German families must not give way until forced, in which case they would receive other locations upon paying a reasonable consideration.

A long correspondence between the two governments and a visit by Samuel Preston and John Kinsey as commissioners to Maryland to effect a temporary accommodation, resulted in nothing. On Oct. 26, at midnight, John Charlton, Captain of the Maryland garrison at Conejohela, with about sixteen armed men, broke into the jail of Lancaster County, and set free and escorted towards Maryland four prisoners. On receipt of the royal order in Council of August 18, 1737, spoken of, as made on August 8, in the chapter on the Ascertainment of the Southern Boundary, the Pennsylvania government stopped all prosecutions arising out of the boundary dispute, and let its prisoners out on bail.

The Six Nations' deed of October, 1736, included Pechoquealon and other land then or formerly the seat of some Shawnees. On hearing of this, those of the tribe who still lived at Shamokin, or whose chief seat was there, sent in alarm a belt of wampum to the French Indians at Tuchsaghroudi, asking permission to dwell among them. They consented, and promised that when they received notice of the march, they with a number of Frenchmen would come with provisions to be an

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escort for the rest of the way. The Lieutenant-Governor of New York induced the Six Nations to undertake to divert the Shawnees from their project. About the same time the Shawnees at Allegheney, who were the largest part of the tribe within the charter limits of Pennsylvania, asked for arms and ammunition to withstand their enemies, the Southern Indians; otherwise these Shawnees must yield to the persuasions of the French, who sent them every year powder, lead, and tobacco. The British colonies were in expectation of peace being made between the Southern Indians and the Six Nations, so that the Shawnees would not be molested by the former. The Council of Pennsylvania, fearing to send arms, which might be used against the Province, invited the chiefs to come on a visit to Philadelphia; and, to keep them in good humor, one horse laden with two half-barrels of powder and some bullets and a quantity of tobacco was sent in charge of George Miranda, a trader at Allegheney, son of Isaac Miranda, mentioned in another chapter.

These Shawnees may be counted as the first sovereign state or commonwealth in America to "go dry." Long, as has been seen, had the representatives of nations and villages of savages begged the civilized colony of Pennsylvania for regulation of the liquor traffic with them, for a strict license system, for the enforcement of the tribe's option not to have any rum brought to certain localities, and for other measures to protect the chiefs from selling the clothes off their backs, and from being excited to the point of murdering. The laws and the officials' directions had failed to meet the case, the Councillors insisting upon the advisability of giving drinks at treaties, and the sachems rarely favoring total abstinence, and Indian women being sent to get what the traders did not bring. On March 15, 1737–8, the Shawnees at Allegheney held a council, one hundred strong, including the traders Peter Chartier and

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George Miranda, and decided that whatever rum or strong liquor was then in the town, or might thereafter be brought in, should be spilt in the presence of the whole town, and that four men be appointed in each town for four years to see that none be brought in. Accordingly all the rum at the towns, about forty gallons, was emptied into the street. A message was sent to Thomas Penn and James Logan on March 20, signed by Loyparcowah (who was Opehassah's son), Newcheconner, Deputy King, and Coycacolenne, Chief Councillor, that they had a good understanding with the French, the Five Nations, the Ottawas, and all the French Indians; that the land reserved for themselves near the English settlements did not suit them at the date of writing, but they hoped that their not returning to it would not be taken amiss, it being sad for them to see the English settlements, where two of their brethren died; that, being ill provided, the chiefs could not visit Philadelphia that Spring, but would the following; that they did not desire to go further off, only to make a strong settlement to keep their young men at home for a year; that they had sent word to the French, the Five Nations, the Delawares, and the Shawnees on the Susquehanna to bring no more rum; and that they were endeavoring to bring the Ottawas, who recognized them as elder brothers, into trade with the Province. Two or three weeks after the sending of this message, three Indians passing by from war with the Maychepese nation, but having the scalps of three whites, King Newcheconner notified James Logan, so as to avert suspicion against these Shawnees, the Delawares, or the neighbouring Indians. The carrying of liquor to these Shawnees was forbidden by the Pennsylvania authorities; and a request was sent by the Shawnees to the French to follow the example of the English. The letter of March 20, perhaps because mentioning good relations with the French, was repudiated by Newchecon-

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ner at a treaty in Philadelphia in 1739, as having been written by "two white men"—evidently Chartier and Miranda—when "all were merry over a cup of good liquor." They must have saved this cupful when they emptied all the kegs, five days before! At the aforesaid treaty, Kakowwatchy and a number of Shawnees, having settlements scattered from the Great Island on the Susquehanna (near Lock Haven) to the Allegheny, met Thomas Penn and his new Lieutenant-Governor and the Council, Logan being present; and Thomas Penn and his Lieutenant-Governor signing for the Proprietaries, on behalf of all the Christian subjects of the King of England in the Province, of the one part, and "Kaycowockecor," Newcheconner, Tomenebuck, and Meshemethequater (the last named not affixing his mark), on behalf of themselves and the "Shawonese" in America within the claims of the King of Great Britain, of the other part, made an agreement in writing, dated August 1, 1739, that the union and friendship between the subjects of said King and the Shawnee nation be preserved, that the agreement with William Penn of April 23, 1701, be observed, and that the Shawnees never join with any nation in acts of hostility to the subjects of the crown of Great Britain.

The year 1737 witnessed the consummation of the great Walking Purchase, in accomplishing which Thomas Penn, the son of the man most celebrated for humane and honest treatment of Indians, has been portrayed as hurrying white men to their death to deprive the red men of a vast territory which had never been sold. As to each part of the representation, long the tradition of the anti-Proprietary country people, it is, in the first place, untrue that Thomas Penn was present during the great feat of pedestrianism. Moreover, when, twenty years later, there was an investigation, it was sworn that those who walked, were, before starting, directed by his orders not to overwalk themselves, as he

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did not care sufficiently about much land beyond certain mountains; a strong hint, to be sure, to get well across them. If these mountains, the name of which is blank, were the great Kittatinny range, which, indeed, was crossed, the hint was for at least fifty miles. Nor is it true that any one of the walkers died in a few days: the one finishing the walk survived it fifty years; the others, between ten and twenty years. If the one who gave out on the second day, who is said to have drunk too much, did fall into one of the streams, there is only the weakest authority for his being "quite blind" when picked up. Nor—an unimportant detail—was the terminus ascertained by the walker who endured to the end casting himself headlong, and stretching out his arm to a sapling, and so gaining a few feet. He had, when time was called on the first day, clutched a sapling for support, saying that he was nearly "gone." Although Teedyuscung charged in 1756, and some Quakers believed, that Thomas Penn forged the document under which he was claiming, it is not to be supposed that he had the crude rascality, blind imprudence, or remarkable skill to do it. The document was not itself a deed, but an ancient writing which Rev. Richard Peters, Secretary of the Land Office, ascertained by comparison to be in the handwriting of Philip Th. Lehnmann, an official of Markham's and Holme's time, and the writing was endorsed in the handwriting of Holme. It appeared to be a copy of a deed dated Aug. 28, 1686, of which the original was not found, from Maykeerickkisho, Sayhoppy, and Taughhaughsey, Kings of the Northern Delawares, for a tract which by the description adjoined that conveyed by deed of July 15, 1682, mentioned on page 96. Neither tract had been entirely abandoned by the red men, and only that conveyed in 1682 had been staked out. It was described in its deed, which was duly found among William Penn's papers, as beginning at a white oak in John Wood's

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land called The Gray Stones opposite the Falls of the Delaware, thence extending up that River to a spruce tree marked P at the foot of a mountain, and thence along the foot of said mountains west northwest to a white oak marked P by an Indian path leading "to an Indyan Towne called Playwickey and near the head of a Creek called Towsissinck" (evidently meaning that Playwickey was near the head of that Creek), thence west to the Neshaminy, down the Neshaminy to the Delaware, and up the Delaware to the place of beginning, the islands known as Mattinicunk, Sepassinck's Island, and Orecton's Island being also then conveyed (*Penna. Archives,* 1st Series, Vol. I, p. 47). This deed seems connected with the following item in Thomas Fairman's bill for services to William Penn, viz: "To furnishing Capt. Markham and Capt. Holme with horses and riding with them to Plake Wickon" (see *Provincial Councillors of Penna.,* article William Markham), on which ride we may suppose the white oak by the path was marked P. We can assume that later surveyors found these marks. The description in the supposed copy of a deed of 1686 called for a tract beginning upon a line formerly laid out from a corner spruce tree by the River Delaware, the line being described by the second and third courses in the deed of 1682, and the description continuing thus: "from which said line the said tract or tracts hereby granted doth extend itself back into the woods as far as a man can goe in a day and a half, and bounded on the westerly side with the creek called Neshameny or the most westerly branch thereof so far as the said branch doth extend and from thence by line [here was a blank] to the utmost extent of said one day and a half's journey and from thence [here a blank] to the aforesaid River Delaware and from thence down the several courses of the said river to the first mentioned spruce tree." The copy purported to show an attestation, "Sealed and

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delivered to Thomas Holme to the use of the within named William Penn . . . in presence of us," with the names of a number of Indians and a number of Christians, of whom Joseph Wood alone survived in 1735. Wood, when called upon, said in an affidavit that such a deed was witnessed by him, and William Biles, not named in the attestation, and very young in 1686, also testified that he was present at some such treaty, and saw the delivery of what might have been the goods agreed upon; but more convincing, we may think, than the recollection of an affair fifty years old was a page or two of a diary of William Markham, eaten away after the date, August 27, 1686, showing that he and Holme were holding interviews with the Indians in that month. Peters's theory must have been correct that the copy had been sent over by Holme to William Penn, who was then in England, and the original kept in Pennsylvania, and lost. Upon the main charge of cheating the Indians, some people will be in a hurry to acquit, because of the opinion expressed in 1758 by all the Governor's Councillors except two, Benjamin Shoemaker and William Logan, whose signatures were not sought, as the report threw the blame for the Delawares' war of 1755 upon the Assembly's refusal to support them in fighting the French, and as the report insinuated that the Delawares' latest complaints against the walk had been suggested by the Quakers who attended various conferences with the Indians. The opinion, however, was an argument forwarded with testimony to the man of whom the signers were holding office, to enable him to exculpate himself. It would not be decisive, if it had been subscribed by one whose family had been as close to the Penns as William Logan's, but the absence of his signature and of Shoemaker's weakens the force of the exoneration. Then, too, in the second place, Thomas Penn had salved the consciences of the signers by relinquishing before the

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giving of the opinion nearly half of the land in question, reducing the walk to what they figured to be forty-five miles, and cutting off the great L formed by the bending of the Delaware. This surrender by him was not a piece of belated magnanimity: it really came from fear to take more than the powerful suzerains of these Indians had released, the Six Nations having in 1742, as will be seen, declared that the whites had no right to settle northwest of the Kittatinnies, and having in a deed of August 22, 1749, granted to the Proprietaries only the land southeast.

The facts as to the great walk can be stated with full confidence. Either on the strength of the supposed conveyance, or of some other agreement with Indians, or, in some cases, upon no title at all from them, settlements had been made up the Delaware, and in its neighbourhood, far beyond the limits of the genuine deed of 1682. Certain Lenni Lenape, among whom were Teeshakomen (Tishecunk, Tiscohan, or Captain John), living at Hockyondocquay on the Lehigh, some miles below Lehigh Gap, and Nootamis, living on the Delaware below Durham Creek, all of them independent of Sassoonan and the other Schuylkill Indians, complained of the whites' encroachments. To end such complaints, and to confirm and add to such settlements, particularly as Durham iron-works had been started, and as land in the Minisink was wanted for the Founder's devise to William Penn Jr's. sons, there was need to acquire more territory, and to show a better title, than derived from the release, as far as the mountains below Lechay, by Sassoonan and others in 1718. For these purposes, the first step was to see how far the ancient writing and the apparently elastic dimensions set forth in it would answer. Soon after John Penn's arrival, the two Proprietaries met Teeshakomen and Nootamis at Durham, and renewed the league of friendship, while arranging for a meeting in the Spring of 1735 on the

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subject of land. In preparation for this meeting, which was fixed for May 5, at Pennsbury, the Proprietaries hastened to have a path made from a point in the line of the purchase of July 15, 1682, to the Blue Mountains, and ordered that Joseph Doane and two others "who can travel well" try how far they on foot could get in a day and a half, and that the Proprietaries be notified as to the distance. William J. Buck, in his *History of the Indian Walk,* fixes this trial walk between the 1st and 8th of May. On the 8th, the Proprietaries spoke to the Indians, and were helped by a speech from James Logan, who need not be supposed to have been informed as to the methods contemplated. Teeshakomen and Nootamis had brought Lappawinzo and several other Delawares. The two purchases, viz: that in the deed of 1682, and that in the copy of a deed of 1686, being referred to, the chiefs denied all knowledge of them, and asked time to consult their old men: so the matter was postponed. At the meeting with the representatives of the Six Nations in the Fall of 1736, Thomas Penn took occasion to complain to them of the "disturbance" made by these Delawares. We have seen, that, by the explanatory, or second, deed, the Six Nations released to the Proprietaries the Delaware frontage as far as the Kittatinny Mountains. On Nov. 19, 1736, Conrad Weiser, who escorted away the Indians of the Six Nations, delivered to Thomas Penn a letter or message reduced to writing from them, declaring that the Delawares had no land to dispose of, and requesting the Proprietary not to buy or accept a grant from them. On 3mo. 29, 1737 (*Penna. Archives,* 3rd Series, Vol. I, p. 86), Lappawinzo, called Lapowingo in Minute Book of Board of Property, was examined before Thomas Penn in Philadelphia as to a petition signed by Lappawinzo in favor of Nicholas Depue, and against Daniel Broadhead, both of which settlers in the Minnesink region had bought their lands

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from the Indians, as well as from the Proprietaries. Lappawinzo disclaimed knowledge of the contents of the petition, and said that all he had against Broadhead was that some matchcoats received from him were not as good as expected. Thomas Penn having expressed his disapproval of the Indians selling to anybody but the Proprietaries, and declared the measuring of the distances in the deeds to William Penn necessary for the preservation of friendship, Lappawinzo said that he himself wished this to be done, but that some others, meaning those at Durham and probably Teeshakomen, were opposed. Lappawinzo went away with presents worth over 10*l.* In three months, he came back, accompanying Teeshakomen, Nootamis, and others. Manawkyhickon, as the chief sachem, had been brought along. In Vol. I of the *Pennsylvania Archives* is printed a copy of the minutes—not among the other minutes of the Council—of a meeting on August 24, 1737, with Thomas Penn, James Logan, and a majority of the other Councillors. Manawkyhickon then said that inquiry had convinced those coming of the genuineness of the deed of 1682. In regard to the other sale, they hesitated. After the affirmations from Wood and Biles were read, in support of there having been any transaction, the chiefs put off their answer until the afternoon, and then said that they did not understand how the lines were to be run; nevertheless they agreed, so the minutes say, to what the Proprietor said, and to the plan he offered, only asking that they be permitted without molestation to remain on their settlements within the bounds. Assurance to this effect had been given at Pennsbury, and was repeated. On the next day in the presence of James Logan, William Logan (then nineteen years old), and numerous other witnesses, among whom were twelve Indians, making their marks to show consent, Manawkyhickon, Lappawinzo, Teeshakomen, *alias* Tisheekunk, and Nootamis, *alias* Nutimus,

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executed a deed of confirmation, with an agreement therein that the extent of the tracts should be "forthwith walked, travelled, and gone over by proper persons to be appointed for that purpose."

On September 19, in the presence of the Surveyor-General and two deputies with other white men, some being on horseback, and in the presence of three Indians to watch the proceedings, three young men picked out by Thomas Penn or his officers started at sunrise from a chestnut tree in the neighbourhood of Wrightstown Meeting House over the path pointed out to them. After making eighteen miles in four and a half or five hours, one relinquished the attempt to keep up with the others. Fifteen minutes being taken for dinner, and made up at the end of the day, the two continuing walked until fifteen minutes past six, when an encampment was made until next morning. The Indians had dropped off during the day, disgusted with the route, which they said should have been along the Delaware, or with the pace, one of the two white men twice running to catch up to the other, or with the continuance without intermission. Upon an application next day for Indian watchers, Lappawinzo refused, saying that all the good land had been already taken, and he did not care how much bad would be added. One of the walkers on the second day gave up after four hours, said by a witness in 1757 to have drunk too much. At the end of the six hours making the half of the second day, Edward Marshall reached the north side of the Pocono Mountain, having walked since sunrise of the preceding day a distance of about sixty-six and a half miles, partly through forests, and ascending mountains, and wading streams. From the stopping point, the Surveyor-General, by four days' work, surveyed as the tract's northern or northwestern boundary, the course of which was blank in the ancient writing, a line supposed to be at right angles with the direction of the walk, and coming

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out on the Delaware near the mouth of the Lackawaxen. By the Delaware's zigzag course, this surveyed line was about the length of Marshall's walk, and a sort of L was formed. Not having foreseen how much land this added, the Indians afterwards claimed that the line from the end of the walk should be in the shortest direction to the river.

The objection to the course of the line was pretty fairly refuted by the Councillors, from analogy with other deeds. They further reported, with the testimony, that the depth was fairly measured by Marshall walking, while, in fact, it would have been legal for him to run; and they defended a test of speed and strength for acquiring land, declaring absurd the Indian notion that there should have been a leisurely walk, with an occasional intermission to fire a shot, or to smoke a pipe. Here, however, the Indians were entirely in the right. The depth "as far as a man can go in a day and a half," similar to phrases in other Indian deeds, was, we see, spoken of in this deed a line or two below as being one and a half times "a day's journey." What that familiar expression designates is relatively no more uncertain, no more an opportunity for advantage over the unskilled, than the length of the human foot, arm, digit, or forearm (cubit), or the width of the hand, the originals of our measures of length, and used where an instrument like a foot-rule or a yardstick, showing the standard or supposed average, is not within reach. To count sixty-six miles as the distance a man can go in a day and a half, simply because some man was found to go that far, was about as fair as to measure the frontage of a town lot by a giant's foot. "A day's journey" in the Middle Ages usually meant twenty miles: and probably Indians going on foot travelled at about that rate in 1686.

If, indeed, as the defenders of Thomas Penn have maintained, he was merely enforcing a contract, he

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is still to be condemned as a man and a statesman. Until he let go some of the claim, he was, at best, grasping at least a million more acres than the children of the forest were disposed to allow for some worn-out and forgotten coats and utensils: and it was a clear case of a blunder which was criminal to arouse the passions of savages against his people: and it was an item in that treatment of the Indians which has been recognized as the disgrace of the American colonies, and of the United States, that, when the Delawares finally demanded what they thought was justice, this land monopolist, as will be shown later, instead of satisfying them, induced the Iroquois to overawe them.

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CHAPTER XXIV.

Quaker Control of the Assembly.

The Proprietaries for some years in financial peril—Appointment and arrival of George Thomas —A flag for the Province—Thomas repents of his bargain as to remuneration—Sassoonan and Nootamis pay visits—Effort to amend currency bill so as to require payment of Proprietary quit rents and sterling debts to King's subjects in Great Britain according to rate of exchange with London —Proprietaries modify the bargain with their Deputy—Compromise as to quit rents, and passage of the bill for increasing paper currency—Oaths allowed in Scotch form, or without kissing the Bible—Great Britain sends privateers against the Spaniards—The Quakers, greatly in the minority in Pennsylvania, control the Assembly—The Assembly declines to compel even non-Quakers to bear arms—Sentiments of the population—Israel Pemberton Jr's remarks about George Thomas— Proposition concerning government of the City— Declaration of war against Spain, and project for expedition against Spanish America—Bound servants without masters' consent accepted as recruits —Indian affairs—Crown asks for necessaries for the Province's troops—Assembly refuses to offer bounty—More enlist than expected, and citizens advance money for victuals and transports—Assembly insists upon the return of all the servants, and a mutiny is feared—Assembly votes money "for the King's use," on condition of no bound servants being taken, but condition not complied with—Later Assemblies' action—Embarkation of the troops, but failure of the expedition—Colonial Governors instructed to have future issue of paper

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money suspended until the royal approval—Nootamis and others complain of settlements north of Tohickon Creek, and are threatened with an appeal to the Six Nations—Embargo—Assembly refuses to send a vessel against privateers—Thomas Penn's departure—Springettsbury house and gardens—Logan's letter to the Yearly Meeting—Changes in membership of the City Corporation.

Grand as the Proprietary estate was, and remunerative as it gave promise to be,—a promise soon beginning to be fulfilled,—the Proprietaries, during the latter years of Patrick Gordon's administration, were very much harassed financially. Any acts of kindness by any of them at that time are much to be admired, and any exactions of their rights at that time are to be looked upon as excusable, when we read the words of the two in England to their brother in Pennsylvania: "We are at the mercy of our creditors without anything to maintain us." Practically all that they had was in America; and the actual income would not support the three men living in the simplest way which was appropriate, required, as they were, to live in separate households. Richard having a family, and being easy-going with money, prevented uniform economy. The sister Margaret and other relatives and dependents had to be helped. Various heavy expenses for the estate, as, for instance, the £5500 consideration for the heir-at-law's release, had been added to the ordinary debts from time to time incurred, raising the total by May, 1734, to £8000, besides the balance of the indebtedness of the Founder. At as late a date as July 9, 1739, it was mentioned that all his debts with the interest had been paid, except two small ones at Westminster, which would be discharged soon. When Thomas Penn left England, he was instructed by his brothers to insist, as politely as he could, that the Lieutenant-Governor come to the family's assistance with £200 per annum, the

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first half-yearly payment to be at the next Christmas. Gordon did not agree with alacrity, if he ever paid anything. Somewhat later, the Proprietaries in England were prepared to sell Pennsylvania and the Territories Annexed for enough to let the three brothers live fairly comfortably in England without the great cares, and without being dunned, as waiting for future or full value involved. As one of several measures necessary to obviate sacrificing the property, it was planned to ask Gordon to allow thenceforth £500, paid in London, as the balance of his receipts was calculated to be 1000*l.*, and was deemed a handsome sum for his support. In case of his refusing, somebody was to be at once appointed in his place, there being several well qualified persons who would accept upon said terms. It was said that the Lieutenant-Governor of Virginia accounted for his profits to the Earl of Orkney, the Governor-in-Chief, and received an allowance for himself, also that Lord Baltimore's Deputy took only 1000 (stg. or provincial) pounds.

When the news of Gordon's death reached England, George Thomas, who had visited Pennsylvania about three years before, and was in England with a letter of introduction sent by Thomas Penn for presentation to John Penn, applied to the latter for the vacant place. George Thomas had been Speaker of the Assembly of Antigua, and was in the Council of that island. There is a pedigree of the family in Oliver's *History of Antigua,* starting with George's grandfather, so that the applicant, who was about forty-two years old, was probably born there. Possessed of an ample fortune in estates in North America and the West Indies, and thus very different from preceding Lieutenant-Governors under the Penns, he explained his application by his liking the people and country of Pennsylvania, and his desire to enlarge and improve his property there. He was willing to make terms advantageous to the

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Proprietaries, and even to allow to them sufficient part of the receipts to divert Richard Penn from taking the office. Logan wrote to John Penn, that, while he thought John himself would be universally acceptable, it was questionable whether any other member of the family, and particularly Thomas, would get any consideration from the Assemblies: confidence was wanting. Richard declined. Margaret Freame, the Proprietaries' sister, less able than Logan to judge of the feelings of the colonists, held a different view from Logan's, when she heard of Richard's declination. Writing from Philadelphia in August, 1737, she declared it a great pity that he did not think it worth his while to come over, and she said that the generality of people would be exceedingly glad to have one of the family over them, and looked upon it as a slight that no one desired to take the position. The declination was probably by John Penn's arrangement, mainly from his being aware that Lord Baltimore would probably have success in opposing the approbation of one of the family, whereas George Thomas possessed some influence in London. He was nominated to the King, after making an agreement to pay to the Proprietaries at his own option either £500 sterling per annum or half the perquisites. The persons usually chosen to the Pennsylvania Assembly were not imbued with feudal ideas, or with commiseration for embarrassed landlords of great prospective wealth, and would have seen no reason to aid them in living more luxuriously than themselves, and wished a government where the revenues were not diverted to sinecurists, but purchased actual services. Were the new Lieutenant-Governor's agreement disclosed, it was doubtful if the Assembly would vote any compensating salary. It appears that opinion in England too was turning against such a "rake off;" however common it had been in times before, it was at this time so far from being a

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matter of course that the Penns' appointee was utterly ashamed of it, and feared the effect upon his standing, if it became known. So it was kept secret as well from the public in England, as from the inhabitants of Pennsylvania and Delaware.

Owing to the arrest of Marylanders pending the boundary dispute, Lord Baltimore petitioned the King for the appointment of an impartial person over the Lower Counties, until the force of the compromise of 1732 were determined, or, at least, that George Thomas, against whom personally Baltimore had no objection, have a commission directly from the Crown, and that matters in the Lower Counties be not triable in Pennsylvania. The British government, relying upon the arrangements which it was making to preserve the peace on the borders, decided to allow the Penns' commission to include the Lower Counties. Meanwhile, Thomas went to Antigua, arriving there on Feb. 14, 1737-8, the day before the royal approbation was given. An order in the Privy Council was made to allow the oath of office to be administered by the Lieutenant-Governor of Antigua, and the security to be entered before him.

Having so qualified, George Thomas arrived in Philadelphia on June 1, 1738. He had married, April 18, 1718, at St. Philip's, Antigua, Elizabeth, dau. of John King of Antigua, and by her, who died in 1763, had a number of children born before his removal to Pennsylvania. Daughters as well as the wife accompanied him on his arrival. A daughter, Margaret, was born here on July 18, 1745, and baptized at Christ Church, Philadelphia, six days later. None of the children permanently settled in Pennsylvania, and it is likely that the older ones were away during part at least of their father's administration. The eldest daughter was married at St. George's, Antigua, in 1744.

In preparation for the arrival of this Lieutenant-

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Governor, as the Province of Pennsylvania possessed no flag to hoist, the Mayor of Philadelphia (Thomas Griffitts, who was also a Councillor) provided one at what seems the enormous expense of 23*l.* 17*s.* 3*d.*, apparently including the flag pole and setting it up.

Thomas's retention of the office for at least a year had been secured by his stipulating to give notice twelve months before leaving. When he had stayed less than two months, but after directing his agent in London to pay to the Proprietaries £250 at the end of the half year, he had reason to regret the decision to pay, and also the entire bargain. He had not received £20, and Robert Charles had informed him that the fees had not netted Lieutenant-Governor Gordon 600*l.* Penna. money in any one year. There was included probably the net income from the fees paid to the Secretary of the Province; for in Gordon's time, and, it was said, in Keith's, all such fees were handed over to the Lieutenant-Governor, who paid to the Secretary a certain stipend for the work. It being arranged that Charles be superseded, Thomas was allowed to appoint Thomas Lawrie, who in due time arrived, as Secretary and also Clerk of the Council, under a similar agreement as to fees. An important piece of patronage, Thomas reluctantly consented to bestow for the benefit of the Penn family. In accordance with John Penn's request, the post of Naval Officer, which could have been conferred upon a relative or ally of the Lieutenant-Governor, or one who would have shared fees with him, was given to the Proprietaries' brother-in-law, Thomas Freame. The acting Governor felt that the selection was his privilege, and even that the office could have been assumed by himself under the Act of Parliament, which required him to give £2000 security for faithful performance of the duties. The style of living which was expected of the chief official of the colony with the visiting of place after place—to say

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nothing of the voyage of himself and household at the beginning—required a high salary. Unless the appropriation by the Assembly was to be larger than usual, sufficiently at least to make up for what was to go to the Penns, it would be better for him financially to live in Antigua as a planter, for which life his private income was ample. The Assemblymen understood too well the way by which monarchy was being controlled by Parliament to be very bountiful to a Lieutenant-Governor who did not suit them: and Thomas had been tied up with instructions likely to cause dissatisfaction.

The Assembly, in August, 1738, did, to be sure, appropriate money to him before entering upon business; but, after he had passed a law for changing the Trustees of the Loan Office and one for laying an excise for five years on retailed wine and retailed rum, brandy, and other spirits, a bill was presented for enactment by him upon the crucial subject of paper money. He succeeded in postponing the consideration of it until the next Assembly.

On Oct. 3, 1738, Sassoonan with other Delawares, apparently a different body from those who had been concerned with the Walking Purchase, visited Thomas Penn and Lieutenant-Governor Thomas, and, at a meeting held at the Proprietary's house, said that all was clear between them. Sassoonan was now very feeble, and he and his old men very poor: the Lieutenant-Governor, in addition to the matchcoats, blankets, hats, shirts, &ct. provided for the visitors by the public, presented at his own expense to Sassoonan a matchcoat laced with silver and a silver laced hat. Nootamis came in the following month. The minutes of the Council do not tell us what he said, but leave the inference that he was making merely a formal call upon the new Lieutenant-Governor. The visitor brought a present, and, according to custom, received articles of twice the value in return.

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After a recess, the Assembly chosen in 1738, of which Hamilton was Speaker, presented to the Lieutenant-Governor, Jany. 12, 1738-9, the former proposition to reprint, exchange, and re-emit the outstanding bills of credit, and to issue 11,110*l.* 5*s.* more, so as to make the whole issue of the Province 80,000*l.*, the new bills to be a legal tender as if in coins at the rate for foreign coins in America under the Act of Parliament of 6 Anne. Thomas called attention to the exchange between Philadelphia and London being then 70 per cent. for the paper currency, and only 33*l.* 6*s.* 8*d.* per cent. for the coins, or "proclamation money," as they were called. The Proprietaries, as he showed by a transcript from their written Instructions, had ordered him not to assent to any emission, increase, or continuance of paper currency, unless the law provided that the quit rents and other rents due to them be all paid from time to time at the real rate of exchange with London. This, their Deputy declared to be an insurmountable obstacle to his assenting to what the Assembly proposed. He, however, went beyond the Instructions, and sought, by an amendment drawn up in Council, to protect not only the Proprietary rents and quit rents, but all debts already or thereafter agreed to be in sterling to the Proprietaries, and all debts agreed to be paid in sterling to any persons in Great Britain. He also referred in his message to the address of the Assembly in 1729 to the Proprietaries, that the quit rents must always be payable in the value of the English shilling in current coin then passing. In view of the resolution of the Lords for Trade, to recommend the disallowance by the King of any law for issuing bills of credit, the Lieutenant-Governor advised that the whole paper currency be not risked in one Act; for the confusion would be great, if, after the bills were circulated, the law were repealed, and the bills made invalid: if all must, nevertheless, be risked, he suggested fixing the

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whole currency at 75,000*l.*, known to the Lords to have been emitted without doing as much harm as the issues of paper money by other colonies had done. When the Assembly rejected the amendment concerning the sterling debts, as lessening the credit of the currency, and said that it would injure the Proprietaries as sellers of land and collectors of large sums due for lands already sold, Thomas replied that the Proprietaries, if justice were done in the matter of quit rents, must be content to run the chance as to sums for land, and they would be interested in keeping up the credit of the currency, they being obliged to buy produce, in order to make remittances home. Conferrees from the Assembly urged that it would be better to leave the matter to the practice which had arisen, and which was expected to continue, notwithstanding the proposed law, viz: juries allowing the real exchange, as was being done in England in the case of guineas, notwithstanding various Acts of Parliament. The proposed amendment was objected to, moreover, as debarring from being heard in courts of law those who thought that they had a right to contend against the exchange demanded. Furthermore, it was pointed out that payment of rents would be precarious and uncertain, exchange rising and falling in proportion to the exigencies of trade and the necessities of those making remittances, and exacting more than the true value of the rents, and dependent perhaps on the caprice, artifice, or design of evil men. Except the bill were passed without the amendment, the large sums due to the Proprietaries for purchase money and rent in arrear could not be paid. As to the Assembly's address in 1729, it had never been made known to the People, and was not binding on the representatives, and was adopted when the exchange was much lower. An English shilling could be purchased in the colony with less paper money than required by the exchange in London, so

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that the Proprietaries, entitled to the shilling or value in current coin, would get more by the amendment than they were entitled to. The Lieutenant-Governor was asked to represent the matter to the Proprietaries. The Assembly then adjourned for over three months.

Thomas, who had received 200*l.* from the Assembly of the Lower Counties, and 600*l.* from the Assembly of the Province, and had spent 1300*l.*, wrote on Jany. 24, 1738–9, that, had he known the temper of the People before he left England, he never would have obliged himself to conform to the aforesaid Instruction: nothing but an independent fortune enabled him to do so; for, had he been under the same necessities as his predecessors, he would have been obliged to yield to the Assembly, or to starve. He added, that, if no discretion were allowed as to the quit rents, he would leave. He had temporarily stopped payment under his agreement. In March, he wrote that his private fortune was a grievance to the People, and that it was threatened to oblige him to live entirely upon such fortune and the perquisites. It was, of course, not known, that, if he received no salary, he must pay half the perquisites to the Proprietaries. Thomas Penn, who had been very pleasant to the Deputy, had told him that he should not suffer; but the Deputy said that he would rather quit the post than be a charge upon those who had appointed him. He would not let the colonists say that he disagreed with them on account of his own interest —presumably the keeping of the position—for he would send his family to England, and follow as soon as consistent with his agreement. John and Richard Penn subsequently sent Thomas Penn a power of attorney to allow their Deputy 1200*l.* Penna. out of the salary voted and perquisites, and to accept the surplus as satisfying the terms as to the emoluments.

Thomas Penn represented to his brothers how desirable it was to keep George Thomas in office, as he, more

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than his predecessors, could be depended upon to obey instructions. For this purpose, John and Richard Penn authorized Thomas Penn to release George Thomas from the Instruction, and John Penn suggested that the Assembly might give a sum to the Proprietaries, and request them to accept 16*d.* for 1*s.* of the quit rent due on grants or warrants made before Thomas Penn's coming to the dominion, and the Assembly might pass an Act that all future payments be according to the exchange or sterling value. Thomas Penn had introduced the practice of reserving quit rents payable according to the exchange. When, in May, 1739, the Assembly reconvened, a broad hint was conveyed by the Lieutenant-Governor in his message that some compensation might be made to the Governors-in-Chief, to allow the paper money bill to be passed unamended. Accordingly, the Assembly offered 1200*l.* of the proposed issue as compensation for the loss they would sustain in accepting the overdue rents in the paper money at its face value, and also 130*l.* annually during the time the bills were to run, for the loss in accepting the rents accruing during that time reserved before 1732. Although these payments would not make up the difference at the rate of exchange contended for, yet Thomas Penn consented to accept them, out of apprehension, we are told, that the sinking of former bills without re-emission would be greatly injurious to the trade of the Province. Such "condescension" induced the Assembly, in the same Act as directed the payment of this indemnity to the Proprietaries, to provide some facilities for the collection of the rents, and this was passed on the same day as the Act authorizing the issue. Also on that day were passed an Act for the recovery of small debts and an Act, which will be referred to later, for regulating the elections for Assemblymen, and an Act allowing an oath to be taken in the Scotch form, or in the usual

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form, but without the kissing of the Bible. The paper money Acts aforesaid received royal approbation, and so did the other Acts except that concerning the oath.

In August, 1739, Logan having declined to serve longer as Chief Justice, Jeremiah Langhorne was appointed as such, with Dr. Thomas Græme as Second Justice and Thomas Griffitts as Third Justice.

In response to an address from the Assembly to the Proprietaries asking for leniency to those who had settled on land without license, and to those who had not complied with their contracts, the Proprietaries directed that such should not be peremptorily treated. Gov. Thomas, upon the Assembly reconvening in August, asked for the enactment of a law, as promised, to protect lands from intrusion; but the Assembly, recommending the matter to the representatives so soon to be chosen, adjourned, any protracted session at that season of the year being usually avoided.

Before and during the first year of Thomas's Lieutenant-Governorship, the Mother Country and her American children were aroused over the severities used by the Spaniards in enforcing the treaty regulations as to trade with the Spanish West India islands and adjacent Main, vessels having been overhauled, goods justly or unjustly confiscated, and mariners imprisoned and maltreated. Sir Robert Walpole, the chief of the British Ministry, saw that in case of a war about English or colonial smugglers and the right of search &ct., which had been given by the treaty of Utrecht, the King of Spain would have on his side not only a considerable amount of justice, but the powerful help of the King of France. So Walpole negotiated a treaty in January, 1739 (N. S.), whereby the King of Spain promised, among other things, to pay in reparation for wrongs a sum of money by the 25th of the May following. This settlement, which a great number of Englishmen condemned, was not carried out by Spain. The

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sum of money not being paid, the King of Great Britain issued a warrant on June 15, 1739, for granting letters of marque against boats and goods of the King of Spain, his vassals and subjects, or the inhabitants of his West Indian possessions. On August 20, upon receipt of a draft of a proclamation embodying this and a prohibition against carrying ammunition or stores to the Spaniards, Thomas issued such proclamation.

Chiefly by the immigration of Scotch-Irish, Germans, and such Englishmen, mostly in the laboring class, as could be counted as in the National Church, the Quakers had for decades been outnumbered in the colony. At the beginning of Thomas's administration, they were said to be about a third of the population. Circumstances, however, were enabling them to retain a majority of the seats in the Assembly. In the first place, not only a larger proportion, but a greater number of adult males of the Society of Friends than of any other of the great religious bodies, possessed and exercised the electoral franchise. Of the non-Quaker population, or, rather, men,—for women did not vote,—the majority were disqualified; nearly all Germans, as aliens, many of the Irish, as bond servants, and others of those races and the poorest Anglicans, as not possessing the necessary amount of property. Secondly, the voters were neither allowed to choose at large the whole number of Assemblymen, nor distributed evenly in election districts; without either of which arrangements to give to every man an equal share in appointing the representatives, there can be no accurate representation of the voters: and the unjust apportionment gave the Quaker localities most of the seats. The counties and the one city were the election districts, the electors within the city having the advantage of voting also as inhabitants of Philadelphia County. The city, however, had but two representatives. The original counties, although unequal in population, chose equal numbers of Assem-

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blymen. The remaining county, Lancaster, was represented unduly in proportion to its population, but had only half as many representatives as Chester. While thus a single voter in Lancaster had a larger share, so to speak, in a unit of the House, than a single voter in Chester or Bucks, and far larger than a rural voter of Philadelphia County; yet Chester and Bucks, Quaker Counties, having together sixteen members, controlled the House, as against Philadelphia County, with eight members, Philadelphia City, with two, and Lancaster County, with four. To be sure, to legislate, not merely to defeat legislation, two thirds, or twenty, of the whole body were necessary. Then again, the third reason for the predominance by those in the minority as to religion, personal ability enabled certain members of the Society of Friends to succeed to the prominence which their forefathers or the friends of their forefathers had at the start. In Bucks, when Hamilton, as will be mentioned, declined reelection, there was practically nobody except some Quaker fit to be an Assemblyman; in Chester, there were very few. Furthermore, while the Quakers in general may be acquitted of a steady design to be a political party, they had another great political advantage, organization. They were in closer communication with one another than the scattered pioneers belonging to any German denomination, and than the Anglican, Baptist, or Presbyterian laity outside of particular circles. To consult upon suitable men from Bucks and Chester, or to plan for a delegation from Philadelphia to carry out certain ideas, the gatherings at the Monthly or Yearly Meeting just preceding the annual election, answered very opportunely as a caucus, and only under exceptional circumstances would the ticket then agreed upon be defeated. Even were the candidate not the preference of the majority at the polls, he might be elected by the scattering of the votes of the majority, as a plurality of votes was sufficient

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to elect. Nor was it necessary for Quakers to select, as an "available" candidate for non-Quaker votes, any lax or half-hearted member of the Society, any "gay Quaker," or one not fully imbued with the ideas of the preachers; although it had become rare for the preachers themselves to transact civic business, as distinguished from other secular business.

For twenty-six years, that is from the peace of Utrecht, Great Britain had had no foreign war involving operations in the New World, filibustering campaigns at the northern and southern end of her possessions excepted: and, since the days of the Swedes and Dutch, no Indian invasion had touched the white settlements of Pennsylvania. The rebellion in favor of the Pretender did not extend to America. Thus "peace principles," as they were called, had been subjected to no strain, and had become almost axiomatic with those in control of the legislature at Philadelphia. Few of the Quaker Assemblymen who read the aforesaid proclamation had ever been face to face with the question: what would they do if an enemy were at the border? This, however, did not at this time seem imminent. Actual war might not be declared. Those who would not join in slaughter for defence were not yet required either to abdicate, or to obstruct their fellow citizens. On the other hand, the non-Quakers had not felt called upon to retain what political foothold they had. Hamilton, the Speaker, on the ground of age and infirmities, had just announced his intention to retire from the House, and his rich son-in-law, William Allen, a Presbyterian, declined reelection as a member from Philadelphia County, feeling that no important question was likely to come up. Perhaps, after all, with an eye to keeping in the Assembly the friends of paper money, or to prevent the officeholders from selecting the members, but with the announced intention to oppose expense on warlike preparations, those Quakers who were watchful of

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political matters exerted themselves considerably for the election that year of members of the Society of Friends or others not controlled by the Proprietaries. That a district so strongly Quaker as Chester County reelected such a Churchman as William Moore, son of the late John Moore, would indicate that antagonism to the Penns was chiefly looked for. The others of the delegation reelected, viz: James Gibbons, Thomas Chandler, Joseph Harvey, John Owen, Jeremiah Starr, and William Hughes, all appear to have been Quakers, as was Samuel Levis, who took the place of Thomas Tatnall. In the two years following, no change was made, except that Tatnall crowded Moore out. The delegation from Bucks appears to have been made solidly Quaker in 1739, those then elected being John Watson, Mark Watson, Thomas Canby Jr., Jeremiah Langhorne, Joseph Kirkbride, Abraham Chapman, Benjamin Field, and Benjamin Jones. In the following year, Benjamin Jones and Joseph Kirkbride were replaced by John Hall and Mahlon Kirkbride. Instead of Allen, Monington, Job Goodson, Jonathan Robeson, and Morris Morris, who had sat in the Assembly of 1738, Philadelphia County chose in 1739, 1740, and 1741 Robert Jones, Isaac Norris, Owen Evans, Joseph Trotter, and James Morris, all of them probably Quakers, and it reelected two Quakers, John Kinsey and Edward Warner, and one Churchman, Thomas Leech, who seems to have always voted in opposition to the Proprietaries. Jones became the first on all committees to draft answers to the Lieutenant-Governor, while Norris was in the front rank of those who contended for the immunities of the Quaker population. With such men in the seats, as they continued to be for several years, it made no difference who were the four from Lancaster County, where the voters were mostly Scotch Irishmen or Proprietary officials. That constituency chose Thomas Edwards, Thomas Ewing,

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Thomas Linley, and John Wright in 1739. The city's voters reelected in 1739 and 1740 the earnest Churchman Dr. Kearsley, who was superintending the erection of the present edifice of Christ Church, Philadelphia, and old Phineas Pemberton's son Israel, as staunch a Quaker as Phineas himself had been in his day, but without the leaning towards the Proprietaries which Phineas showed towards William Penn. The reader will recall the episode of Kinsey's hat in the Court of Chancery (page 231). Kinsey was chosen Speaker in 1739, and reelected continuously.

When the Assembly chosen in 1739 convened, Thomas spoke of the likelihood of war, and of France joining with Spain, and asked that the defenceless province be put in proper condition, before it might be too late, and he hinted at the horrors of the sacking of the city or the ravaging of the country. He did not say officially, but it was the case, that he wanted as much as money a militia law to raise a force of non-Quakers. Hoping to arouse Protestant sentiment, he asked the members to act in a way becoming "lovers of your religion and liberties." This was an unfortunate remark: it gave the Quakers the opportunity, which they embraced in an address from the body on January 5, of saying that it was their regard for their "religion and liberties" which induced them to think differently from him; that liberty of conscience was the fundamental law, and very many of the people were Quakers, who, although they did not, as the world was then constituted, condemn the use of arms by others, were principled against bearing arms themselves, and that to compel them to do so, would be to persecute them for their religion. The members declined to make a law exempting their co-religionists, but compelling others to bear arms, because such legislation on their part would be a piece of inconsistency and partiality. A hint of a way out of the difficulty was given in the reminder that the Gov-

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ernor's military powers under the Charter from King Charles II were unrestrained by the laws; and the hope was expressed that such would suffice. After all, the colony, it was pointed out, could be efficiently protected only by the Mother Country. The reply ended with expressing "a due dependence on that Power which not only calms the raging waves of the sea, but sets limits beyond which they cannot pass;" and the sacred text was quoted that "Except the Lord keep the city, the watchman waketh but in vain."

It would have been of some value, if those who might enlist voluntarily could by virtue of an Act of Assembly be subjected to any discipline, or even required to serve; but the plan of the House was to leave them to their own caprice, as well as to avoid the appropriation of money, either on hand or to be collected, drawn partly from Quakers.

The leaders of the non-Quaker part of the community did not thank the lawmakers for their forbearance from the kind of "partiality" which they spoke of, and which the make-up of the population in fact called for, a discrimination between those who could, and those who could not plead conscientious scruples. Petitions laid before the House for some measures for defence, were referred to as speaking for the non-Quaker element. When the war came, most of the Quaker merchants wished to see the Province and its shipping defended, and several, increasing in number, were not content to have this done by others, but were willing to bear a financial part themselves, some making a distinction between offensive and defensive warfare, and others even disregarding such distinction.

A petition from non-Quakers, Langhorne joining therein, was sent to the King, and elicited the opinion that the Province was not exempted from the duty of defence.

Yet, after all, not only were the legislators continu-

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ously reelected by the property-holders, but it is probable that in Thomas's time the Assembly truly represented the feelings of the majority of the population on this subject. Had there been a referendum where every man dared to vote his real wishes, would there have been consent to the imposition of military service, or of taxes? Taxes would not have been levied on property alone, but so much a head on every poor freeman above twenty-one and every hired man-servant. It can not be an over-estimate to put the Mennonites, who were thoroughly opposed to force for any purpose, as one sixth of the population: so that, had the Quakers been unanimous, there would have been from the two denominations, as there nearly was, the majority spoken of. Outside of these, the man with no property to defend, whose situation would change very little under a foreign flag, would not have been desirous of war, unless anxious for employment as a soldier: the resident of the more remote district, and particularly the native of Germany, would have been loath to make sacrifices. In 1740, the support of such Germans as could vote was secured for the old Assemblymen from a belief fostered in papers circulated that heavy taxes, military service, and building of forts would come from a change. Of the non-voting population, the persons who would suffer most, these Quakers were taking care. In the course of the addresses made by the House, which were probably framed by Kinsey, and fully matched in force the messages sent by the Lieutenant-Governor, both being worth reading, various non-religious objections were made, which, while they detract from the grandeur of the members as religious martyrs, make them contenders for the liberties of individuals: a large sum of money was not to be handed over to royal officials for disposal, nor were the steps of a freeman to be subjected to the will of military officers until the necessity actually arrived. Various arguments were used to

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show the remoteness of the danger: Pennsylvania was on a river difficult of navigation, with New Jersey between it and the ocean, with Maryland, Virginia, South Carolina, and Georgia between it and the Spanish dominions, and with New York and New England between it and the French. Thomas thereupon sneeringly said: "I am obliged to you for the particular Description you have favoured me with of the Situation of this Province," and added, "but had you looked into a Map of it, you would have seen that the French have a very considerable Tract of Country adjoining to it, and that they have an easy Conveyance from their principal Settlements to their fort at Niagara, which is built either within the Bounds of this Province or upon the Borders of it." He spoke of a considerable body of French and Indians being reported to have marched a greater distance than to Philadelphia to attack some Indians a few months before. The route to the sea lay along the Lower Counties, as defenceless as Pennsylvania itself. The channel of the river had become so well known that nearly 300 vessels every year went up and down safely.

During the interchange of these messages, Israel Pemberton Jr., son of Israel the Assemblyman, being with some acquaintances at the house of Alexander Graydon, and the subject of the dispute being broached, Israel Jr. remarked that it was known before the Lieutenant-Governor arrived what kind of a man he was, and what was to be expected: he was designing to overthrow the constitution, and turn Pennsylvania into a royal province. On Graydon saying that the dispute would probably be laid before the British Ministers, who would best judge of the Lieutenant-Governor's conduct, Israel Jr. said that he had no doubt that the Lieutenant-Governor would make use of all his friends to put the Assembly in the wrong, and would make an unjust representation of the case.

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This conversation was reported within a few hours to Thomas, and soon all over the city. Pemberton, going to see Graydon the next day, expressed himself as glad that Thomas had heard truths which the sycophants about him would never tell him. Nor would Pemberton qualify his remarks, when Thomas requested him to do so. Graydon was then called before the Governor's Council, and testified to the words. The Lieutenant-Governor proposed a warrant to bring Pemberton before the Board. Councillor Lawrence doubted whether the Council could issue such. The Lieutenant-Governor acknowledged the want of power in the Council, but maintained that he as Supreme Magistrate could bring before him persons charged with matters tending to a breach of the peace. Plumsted thought, that, if the Lieutenant-Governor's character only were concerned, he would be a very improper person to issue such a warrant, but, as it might affect the peace of the government, he could sign a warrant for Pemberton's public examination before the Council. No one objecting to this, the warrant was signed and sent to the Sheriff, with orders to treat Pemberton with civility, and not to act under the warrant, if Pemberton could be otherwise persuaded to attend the Council that afternoon. At the time appointed, the same members appeared and waited. Then Councillor Griffitts, who was a Judge of the Supreme Court, was called out of the room, and, Pemberton being in the Sheriff's custody, Griffitts signed a writ of *habeas corpus* returnable to the Supreme Court on April 10 following, and admitted Pemberton to bail. Griffitts returned, and took his seat, and the writ was sent into the meeting with the Sheriff's endorsement. Thomas expressed belief that this was the first instance of granting such a writ to take out of an officer's hands before examination a person suspected of disturbing the peace; that it was illegal, and that Griffitts should have consulted some lawyer, or, at

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least, taken time to think over it. Griffitts said that he thought the writ was of course. Before the next meeting, Thomas, having his opinion as to the *habeas corpus* confirmed by some lawyers, issued a second warrant, but Pemberton dodged the Sheriff, and went out of the county. The next day, upon Pemberton's father complaining to Andrew Hamilton of the injury to Israel Jr.'s business by the warrant being outstanding, the Lieutenant-Governor withdrew it, saying that he would proceed in some other way. He appears not to have further molested this outspoken Quaker.

The Assembly undertook to transfer from the City Corporation to the assessors annually elected and Commissioners to be elected annually by the voters, the regulation of the streets, wharves, landings, bridges, houses, &ct., and from the City magistrates to such Commissioners the power in connection with assessors to raise money. Giving reasons against the law presented for this purpose, the Lieutenant-Governor wrote: "Therefore I can not give my consent to this Bill." The House answered that it would have been perfectly proper to refuse assent without giving reasons, but that the course taken, *i.e.* giving reasons, and peremptorily rejecting, and so not offering an opportunity by conference or otherwise to make the bill satisfactory, affected the rights, privileges, and freedom of the representatives of the People. Thomas disclaimed any intention of preventing a conference. After the correspondence had turned from punctilios of procedure to the merits of the measure, which the House supported, as giving the power of taxation into the hands of the People, and Thomas opposed, with the argument that the consent already requisite of assessors chosen by the People was sufficient for the People's protection, Thomas finally closed the correspondence with the words, "I will upon this occasion observe the rule you were pleased to lay down for me in your mes-

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sage at your last adjournment, and, without assigning any reasons for my refusal, say that I do reject the Bill."

Walpole could not restrain his King's pugnacity and the popular or Parliamentary clamor. War against Spain was declared four months after the authorization of privateering, and soon afterwards Vice Admiral Vernon swiftly captured Porto Bello. When news of this had reached England, an expedition against other Spanish possessions in America was planned, land forces under Maj. Gen. Lord Cathcart to be sent from England under convoy to join the squadron in the West Indies commanded by Vernon, and, as part of the aforesaid army under Cathcart, troops to be raised in the North American colonies, to be led by Colonel Spotswood. Arms and clothing at the Crown's expense were to be forwarded to the colonies for the men raised therein, who would be paid by the Crown, and share any booty, and, if they chose, be transported home upon finishing their service. Blank commissions were to be sent to the Governors for subordinate officers.

The King's declaration of war was proclaimed at the Town House in Philadelphia on April 14, 1740: cannon were fired on Society Hill, beer was distributed, and cries of "God save the King" resounded. At the same time, Gov. Thomas issued a proclamation calling for enlistment for the expedition, and directing those giving their names to be at the rendezvous in Philadelphia upon the arrival, to be expected any day, of Col. Blakeney, the Adjutant-General of the expedition. In the excitement of the day of the proclamation, some persons offered to enlist, including several who were not considered freemen, being bound to labor for terms not then expired. The enthusiastic Lieutenant-Governor took such recruits by the hand, and, it is said, told them that they were free from their masters, and that there was no difference between himself and them, except

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that he had better clothes and money in his pocket, but the King, whom only they were now to serve, would provide them with clothes and money. Yet, when the recruiting officers began work, they hesitated to accept bound servants, as it would be depriving employers of services for which they had paid round sums. It was said that in other colonies men bound to labor were not accepted. A number of servants ran away from Pennsylvania to neighbouring colonies, and, probably without mentioning their obligations, enlisted. Actually finding some on their way to New York, the officers decided to accept such servants. To avoid throwing idlers upon the public, pending the arrival of commissions and the swearing in and the starting of pay, Thomas by proclamation warned those who had left their masters that the tie to the latter was not yet dissolved. The Assembly, appealed to by the masters, expressed the opinion that the latter's consent was necessary, and recommended those thus injured in their property to seek their remedy at law, but, although Gov. Thomas was willing to have the question tested, he, with the Council's approval, directed the officers to keep secret the names of the enlisted, for fear of the detention of the freemen among them by creditors.

An Indian named Awannemeak having, in May, badly wounded Henry Webb, an inhabitant of the Minnesink region, the other white inhabitants there sent the injured man in a canoe to Philadelphia, for treatment, and threatened to defend themselves if the Indian were not secured for punishment. The Pennsylvania government wrote to the nation to which Awannemeak belonged, to surrender him, so that he could be hung if Webb died, and make satisfaction to Webb, and pay his doctor and nurse and boarding-house keeper, if Webb recovered, Awannemeak's friends making the payment, until by hunting he could reimburse them. Thus civilized jurisprudence was being inculcated

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among the red men! When, on finding that Awannemeak was a Mohican, the Pennsylvania messenger called on the Mohican King at Esopus, the King would only say that he was sick, and that the squaws were tending the corn, and that he would answer when the work was over. This he neglected to do. In August, Sassoonan and Shikallima and a number of Delawares and Mingoes from Allegheney appeared before Thomas Penn, Lt. Gov. Thomas, and various Councillors in the Quaker Meeting House, Philadelphia, apologized for not coming in 1731, and declared the Indians of Allegheney, Shamokin, Conestoga, and Brandywine to be all of one mind in friendship with Pennsylvania. They made a request for the fixing of a reasonable price upon the goods which the Indians of Allegheney needed, as the Mingoes at Albany or Raritan got more than they themselves did for skins, a big bag of powder being bought at those places for one buckskin: and it was also asked, that, as the whites had been killing off the deer, beavers, bears, and game of all sorts, such industry in future be left entirely to the Indians, whom God had made hunters, while the whites had other means of livelihood. The Lieutenant-Governor politely refused to fix prices, or to prohibit the whites from hunting, and suggested, that, by dealing only with the licensed traders, the Indians could cause the retirement of a number of unlicensed traders, who brought little stock to exchange for skins, and added by hunting to what they gained. The attention of the Six Nations was called to the neglect of the treaty obligation by their tributary, the Mohican King. Webb had not died, but he had lost his jaw bone, and Awannemeak was wanted. Awannemeak never was surrendered, and, on being sharply reproved by the Indians, was pardoned, at the request of the Six Nations in 1742, by the Lieutenant-Governor, abandoning hope of getting damages from an Indian.

Royal instructions, dated April 2, 1740, arrived late

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in June, to recommend to the Assembly to make for the troops to be raised in the Province until they should arrive at the rendezvous in the West Indies, provision for victuals, transports, and all other necessaries except clothes, tents, arms, ammunition, and pay. The Lieutenant-Governor summoned the Assembly, and pointed out that compliance would not involve any taxation, as there would be about 5000*l.* or 6000*l.* interest money and nearly 4000*l.* per annum coming from the paper money, the excise being sufficient for the ordinary expenses of the government. That there might be no fear of misapplication of sums voted, he declared that it would be agreeable to him to have commissioners named to assist in the expenditure, and to lay an account before the Assembly. But he also suggested a bounty as the means of securing a fitting number of freemen as recruits, other colonies, by early adoption of that means, having companies ready to embark. The Assembly, on 5mo. 7, returned answer, that, to appropriate money to the uses which he had recommended, was repugnant to the religious principles of the majority, although "to pay tribute to Cæsar" was recognized as a duty. However, the majority passed a resolution to give 2000*l.* to the Lieutenant-Governor "for the King's use," and to remunerate out of a further sum of 2000*l.* the masters for the loss of their servants' time; and the House adjourned from 5mo. 11 to 6mo. 18 to attend to the harvest. It was the custom to settle and audit the accounts of the Trustees of the Loan Office and the Provincial Treasurer in August, and, until this was done, only guesses could be made as to what money could be spared. The members saw that there would be no such sums on hand as Governor Thomas mentioned.

Before the next meeting, which, by special call from the Lieutenant-Governor, took place on July 28, seven full companies and part of another, including within

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them about three hundred servants, had been enlisted. This was so much beyond what was expected from the Province that the commissions first sent over did not suffice, being for only four companies, and four of those men who had each undertaken to raise a company, expecting to be the Captain, were obliged to accept certificates to get commissions from Lord Cathcart. Their respective companies appear to have been placed under the command of English officers who came with Col. Blakeney. The Pennsylvania troops were ordered to be at the capes of Virginia by the middle of September. Meanwhile they were distributed in the country villages, to save the city from the danger of so large a force unaccustomed to control: and, there being no barracks, the innkeepers rapidly absorbed the pay, which had duly arrived, by charging a soldier 12*d.* a day, whereas in England, where food was dearer, soldiers were billeted at 4*d.* under Act of Parliament. Thomas, with the approval of the Council, secured victuals and transports, and, when it became clear that no money would come from the Assembly, a number of individuals advanced the amount necessary, trusting that the Crown would see to its being repaid to them. The Assemblymen found that the masters of enlisted servants were not satisfied to accept compensation from the 2000*l.*, and to do without the labor; so the House, urged to appropriate speedily for transports and temporary quarters, postponed doing so, and requested the Lieutenant-Governor to deliver to the masters all servants already enlisted, and to refuse all servants who offered themselves in future. Either before or after the swearing in and arrival of pay, he ordered those to be discharged who could be persuaded to return to their masters, and he secured the discharge of some who had run away to the other colonies and enlisted; but on one occasion, when Capt. Thinn had delivered some servants, other members of his company, including

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freemen, laid down their arms, and said that they would go to other colonies; and it was with difficulty that they were pacified. So, partly from fear of mutiny, Thomas declined to hand over all remaining servants at once, and later made the point that he could not dismiss men who had been sworn in, and taken the King's pay.

The Penns and those devoted to them, whether Quakers or not, bewailed the attitude of the Assembly. It was perilous to the Proprietaries, for the Province to fail to respond to the King's call: it might bring about a suspension of their government or in fact an absolute taking of it away. The message of the Assembly having answered the Lieutenant-Governor's representation of an overflowing treasury by calling attention to the sum due to the Proprietaries under the vote of the preceding year, as well as the sums drawn for finishing the State House, Thomas Penn saw that the blame for the failure to provide money was likely to be laid upon him and his brothers; so he sent word on August 6 that the Proprietaries would wait for their money until the revenues were sufficient, after making provision for the King's forces. The Assembly, expressing willingness to vote to the Crown a sum in proportion to that given by other colonies, provided the servants were returned to their masters, and threatening to seek from the Crown redress for the injured masters, well argued, in a long reply to the Lieutenant-Governor, that it would be hard on the Province to pay for the time of three hundred servants to make up more companies than were expected by the British Government, and to provide transports &ct. for these very servants besides the freemen numbering a fair quota. The Assembly also addressed Thomas Penn, telling of the determination to apply to the King for redress in the matter of the servants, but first asking Penn to use his influence with the Lieutenant-Gov-Governor, so that there should be no necessity for

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such a step. Penn replied the next day, rather upbraiding the Assemblymen, and declining to interfere. The Assembly ordered a warrant to be drawn on the Treasurer for 3000*l.* to Thomas Griffitts, Edward Bradley, John Stamper, Isaac Norris, and Thomas Leech for the use of the King, to be disposed of as he should be pleased to appoint, provided assurances were given satisfactory to said five men or any three of them that all the enlisted servants had been returned, and that no more servants would be taken from their masters, all money not within nine months disposed of by the King to be returned to the treasury. This vote had no more result than it was expected to have. Upon a representation of the officers that it would be impracticable, illegal, and dangerous to return the servants, with a request to be informed of the Lieutenant-Governor's intention, so as to lay the matter before their superior officers, Thomas, with the approval of the Council, sent word to the House that the conditions could not be complied with. The Assembly adopted a petition to the King, and voted to appoint Richard Partridge as Provincial Agent in London, supplanting Ferdinand John Paris, but the petition appears never to have been presented. The next Assembly paid 2588*l.* 5*s.* 11*d.* in compensation to the masters for their losses. The 3000*l.* aforesaid for the King's disposal were subsequently sent to Partridge, as Agent, and paid into the royal exchequer.

The troops embarked under the same officers apparently as those who signed the representation, some of whom were "British officers appointed by his Majesty," in which class were doubtless the Adjutant Richd. Geo. De la Vallee and Captain William Thinn. Nothing is known by the author as to the antecedents of Captains Will. McKnight and Thomas Clarke, First Lieutenants Archd. Graham, St. John Leader, and Willm. Mills, and Ensigns Edwd. Harrison, Richd. Cager, Geo. Barr,

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Peter Grung, Vint. Marshall, and Cha. Mathew. Captains Robt. Bishop, Archibald Gordon (son of the late Lieutenant-Governor?), Thomas Freame (brother-in-law of the Proprietaries), and Thomas Lawrie (who resigned the Secretaryship to go to the war) were residents of the Province, as were the Second Lieutenants, viz: John Clifford, Robert Spicer, Henry Hodge, James Sandilands, Anthony Palmer (son of the Councillor), Thomas Berkeley (son-in-law of Councillor Palmer), and James Foster (Forster being probably a misprint), and also Ensign Enos Dexter.

Little do we know of the part taken by the Pennsylvania troops in the operations, which destroyed some forts, sacrificed an enormous number of lives, and failed in the great purpose of taking Carthagena. Although it is said that nine out of ten recruits from the colonies perished, the Second Lieutenants above named nearly all returned, and Captain McKnight lived to be promoted.

The English merchants trading with America took fright at the volume of paper money in the colonies, and complained by petition to the House of Commons in 1740. An address to the King was carried through Parliament asking that the Governors be instructed to assent to no law for increasing the amount outstanding, unless such law contained a proviso suspending operation until the royal approval. Accordingly, while the aforesaid Pennsylvania Act for emitting 11,110*l.* 5*s.* was allowed, instructions in accordance with said address were sent, that to the Governor of Pennsylvania being dated Aug. 21, 1740.

By November, 1740, about one hundred families had settled north of Tohickon Creek, exclusive of those on lands sold by the Indians to the Durham iron company, to Weiser, or to Depue. Some of the Indians who were incensed at the affair of the Walking Purchase had a letter written, dated the 24th of that month, to Jere-

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miah Langhorne and other magistrates, threatening to remove the intruders, if Thomas Penn would not do so: in a letter dated Jany. 3, 1740-1, complaint to like purpose was made or repeated by Nootamis and seven others, who represented the whites as very violent. Among the statements are "if we get an honest man to take our part he must be killed or flee the country" and "dare not speak but there is an uproar and danger of being cut to pieces." On March 26 following, at a meeting of the Governor's Council, Thomas Penn and five Councillors being present with the Lieutenant-Governor, these letters were read. The Proprietaries' title was shown from the deeds and map of the Walk and the letter of the Six Nations declaring that the Delawares had no land to sell: and, by order, the Lieutenant-Governor wrote to the Delawares requiring them to live peaceably with the English as before, and, moreover, informing them that the whole affair would be disclosed to the chiefs of the Six Nations coming to Philadelphia in May, to which meeting the Delawares might come at their own expense.

As late as 1740, a juror was set aside in Chester County, because he insisted upon being sworn: so John Penn, by letter received about April, 1741, recommended that there be a majority in each County Court willing to administer an oath.

To avoid supplying the enemy's fleets, an embargo had been laid in the British Isles against the exportation of victuals to foreign parts. In view also of possible need by the King's dominions and his forces in America of all that the Penns' colony produced but did not consume, Lt.-Gov. Thomas laid a similar embargo in March, 1740-1, without waiting for orders, which, however, arrived. The growing wheat having been hurt by the weather, he asked the Assembly in May to stop temporarily the exportation of wheat, but this was refused, as based upon unnecessary fears, hard upon individ-

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uals, and injurious to the English colonies in the West Indies unless excepted from the Act, and likely by such exception to acquire a monopoly.

It is no wonder that the Assembly refused to fit out a vessel against privateers, and to offer a reward for every man killed or captured, but rather a wonder that the answer spoke only of the expense, and of the protection expected from the King's ships.

Owing probably to John Penn's ill health interfering with his attention to business, the Chancery suit with Lord Baltimore seeming to require supervision, Thomas Penn decided to go to England, but with the intention, or making up his mind afterwards, to return when the suit were ended. Writing in 1744, he said that he thought it his duty to reside in Pennsylvania. He had built a house for himself about where the Preston Retreat now stands (near 20th and Hamilton Streets), on a plantation of about 300 acres, part of the Springettsbury Manor, adjacent to the district then called the City of Philadelphia. The house was not a large one, but he had taken much trouble with the grounds, securing trees and plants not indigenous; so that the gardens became a show place. Attended by a great number of the principal inhabitants, he set out for New York on August 20, 1741, to embark there. Some persons went to the trouble of erecting a gallows over the road on which he passed. He sailed from or by way of New England, with his sister and her children, and arrived in Plymouth harbor, England, by Nov. 22, 1741, and never returned.

As the Summer ended, Logan sent a letter to attendants of the Yearly Meeting, arguing that force was the fountain of all civil government, and setting forth the defenceless state of the Province and the ill consequences that might ensue upon men of the principles of those whom he addressed procuring themselves to be returned to the Assembly. As a letter of Richard

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Peters tells the story (*Penna. Mag.*, Vol. VI), the shrewd managers, anxious to ward off the influence of such an epistle,—for they had cause to fear that if once the Quakers withdrew from politics, their ascendancy could never be regained,—hit upon the expedient of having Robert Jordan, John Bringhurst, Ebenezer Large, John Dillwyn, and Robert Strettell peruse the letter, and report whether it contained matters proper to be communicated to the Meeting. They reported, that, as it contained matters of a military and geographical nature, it was by no means proper to be read. Robert Strettell, who was a merchant in the city, alone remarked, that, considering the letter came from a man of abundant experience, an old member who had a sincere affection for the welfare of the Society, he was apprehensive, that, should it be refused a reading, such a procedure would disgust not only him, but the large body of Friends in England. This opposition was not expected, and John Bringhurst caught him by the coat, saying sharply, "Sit thee down, Robert Strettell, thee art single in that opinion." This suppression, which seems in the nature of force, produced unanimity, and Logan's step was in vain.

Although the Assembly was retained, the City Corporation, however, on Oct. 6, passed out of the hands of Norris and his friends by the election of four new Aldermen, three being non-Quakers, and of five new Common Councilmen, three being Churchmen, and one of the two Quakers chosen being Robert Strettell. Strettell was admitted a member of the Governor's Council in December with William Till and Abraham Taylor, Churchmen, Thomas's chief dependence for transaction of business having previously been upon Lawrence, Hasell, and Griffitts, and there having been rarely the attendance of more than two of the others.

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CHAPTER XXV.

Unitas Fratrum and Attempted Church Unity.

The Schwenkfelders—The Skippack Brethren—The "Pennsylvania Religion"—Mixed result of the Whitefield movement—*Unitas Fratrum*, or Moravians, or Herrnhuters—Zinzendorf—Reorganization of the *Unitas* as a company within the Lutheran fold to promote personal religion—Renewal of the episcopate—Laborers in Pennsylvania—Zinzendorf consecrated a bishop—Failure to Christianize Indians before the arrival of the Moravians—Rauch's mission to the Mohicans—The Lehigh settlements—Zinzendorf's arrival and earliest proceedings in Pennsylvania—Bethlehem named—The Conferences—Zinzendorf's visits to Indians—Revolt of Lutherans—Kraft—Mühlenberg—Zinzendorf leaves America—The English Moravians in Philadelphia and Moravian house of worship at Heidelberg—Mühlenberg reclaims the Lutherans—Churches built, including that at "Trappe"—Wagner and Brunnholtz—Nyberg—Unsuccessful project to unite Swedish and German Lutherans—Disorders at Lancaster—Nyberg's commission from Sweden is withdrawn, and he joins the Moravians—Indian converts of the Moravians build Gnadenhütten—Schlatter—A Reformed Coetus established—The Synod of 1748 of the Congregation of God in the Spirit becomes the first Synod of the Moravians—A Lutheran Ministerium and Synod organized—Zinzendorf's later career.

On referring to the chapter on the Church of England, it will be seen that the first visit of Whitefield to Pennsylvania was in the year of the breaking out

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of war with Spain, and that he came twice in 1740: and the chapter on the Irish and their Kirk has told of the separation of the Presbyterians into Old Side and New Side in 1741. The last months of 1741 and the nine months following cover the labors in Pennsylvania of the great religious leader, Count Nicolaus Ludwig von Zinzendorf. He had been preceded hither by immigrants grateful for his kindness, and by missionaries from the body which he had reorganized.

From his estate, or barony, of Berthelsdorf in Upper Lusatia came several persons in or before 1733, of whom respectively the religious denomination, whether Schwenkfelder or Moravian, is not clear. Nineteen persons, most of them from Berthelsdorf, met at Haarlem, and proceeded to Rotterdam in June of that year, and thence sailed in the "Pennsylvania Merchant," reaching Philadelphia on Sep. 28 (N. S.), the males over sixteen making promise of allegiance on Sep. 18, 1733 (O. S.). Johann Klemm, Gotlob Klemm, Georg Scholtz, and David Scholtz (spelling as in Rupp's *Collection of 30000 Names,* instead of as in *Colonial Records,* Vol. III) of the passengers promising allegiance, may be identified as among the nineteen; but the tradition which makes them Schwenkfelders is probably incorrect. Rev. Abraham Reincke's *Register of the Members of the Moravian Church* mentions John G. Klemm, organ builder, and ——— his wife among the Moravians, who, as will be mentioned, received the sacrament on Aug. 13, 1727. Rev. William C. Reichel, in annotating the list given by Reincke, says that Klemm was born in Dresden in 1690, and, after settling in Philadelphia, spent some time in New York. Another of the four supposed Schwenkfelders on the "Pennsylvania Merchant," viz: David Scholtz, who speaks of his father, evidently Georg Scholtz, as a fellow voyager, and of a brother George Scholtze as already in Pennsylvania, wrote a *Reise Beschreibung,* of

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which there is a translation in *Penna. Mag.*, Vol. X, page 167, a narrative of the trip of himself and twelve others from Herrnhut to Haarlem, and of the voyage of the nineteen from Haarlem to Philadelphia, but does not speak of the voyagers as Schwenkfelders. They are called such by an addition in a later handwriting to the title on the cover of the MS. Georg Schöltz, evidently the brother, was among the so-called Palatines who promised allegiance on Oct. 14, 1731, and, whether indeed a Schwenkfelder or a Moravian, came to Pennsylvania before any other person known to have been of either denomination. That there were Schwenkfelders in the Penn dominions after the aforesaid arrival of the "Pennsylvania Merchant," and before the arrival hereafter mentioned, is proved by an entry in the *Reise-Diarium* of Herr von Beck under date of Philadelphia, June 6, 1734, quoted by Rupp in his *Collection of 30000 Names: "Hier sind von allen Religionen und Secten: * * * Böhmisten, Schwenckfeldianer. * * * "*

The Schwenkfelders, or "Confessors of the Glory of Christ," as they called themselves, were the followers more or less implicit of Caspar Schwenckfelt (or Schwenckfeld) von Ossig (or Ossing) of Silesia, a reformer who at one time aided Luther, but afterwards was reprobated by him for an interpretation (which Schwenckfelt believed to have been miraculously revealed to himself, but which was opposed to Luther's) of our Lord's words at the institution of the Supper, and for "deification" of Christ's human body, and for reliance upon direct enlightenment and grace, consequently treating the Bible as insufficient, and the sacraments as superfluous. Schwenckfelt's disciples, in the doctrine resembling that of the Inner Light, in disuse of the sacraments, and in refusing to fight, anticipated the Quakers. Some association is said to have taken place with certain admiring readers (the *Böhmisten*)

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of the works of Jacob Böhme (or Behmen) of Görlitz, called the Teutonic Philosopher, a mystic, who lived at a later date than Schwenckfelt.

Apparently those Schwenkfelders with whom we are concerned, had not been an organized religious society in Silesia, their native country, but individual disciples, who abstained from worship at the local churches, and held meetings for reading and prayer. Phebe Earle Gibbons's *Pennsylvania Dutch and Other Essays,* from which much information can be obtained as to the settlers of the interior of Pennsylvania, and Christopher Heydrick's *Historical Sketch,* prefixed to Rev. Balthasar Heebner's *Genealogical Record of the Descendants of the Schwenkfelders,* narrate the measures taken in the time of the Emperor Charles VI, lord of Silesia, to bring the Schwenkfelders into the Roman Catholic Church. Some who did not yield, were unwilling to escape annoyance by participating in the tolerated Lutheran worship, and 170 families left home in 1726, some leaving their possessions, and fled to Upper Lusatia, then part of Saxony, and, in that district, found shelter at Wirsa, Görlitz, Hennersdorf near Görlitz, Berthelsdorf, and Herrnhut, being hospitably received by the Senate of Görlitz and by Zinzendorf at Berthelsdorf. When the government of Saxony, after investigating the religion at Berthelsdorf and Herrnhut, allowed the Moravians to stay there, that government, however, directed the Schwenkfelders to leave the country. Upon the reports of those persons from Zinzendorf's lands who had, in or before 1733, gone to Pennsylvania, about 40 families of the denomination followed thither in 1734 in the "St. Andrew" from Rotterdam. Their journey, too, is the subject of a *Reise Beschreibung,* which is printed as an appendix to the *Erlauterung für Herrn Caspar Schwenckfeld,* published in 1771. They arrived in Philadelphia on Sep. 22, 1734 (N. S.), and promised allegiance on Sep. 12,

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1734 (O. S.), and spent the next day in thanksgiving. Accordingly, the Schwenkfelders keep the 24th of September as an anniversary. Georg Weiss was elected in December, 1734, as instructor, and to give such spiritual services as might be required. At his death in 1740, he was succeeded by Balthasar Hoffmann. Kept apart by disuse of the sacraments from nearly every Christian organization, as already in Germany from the neighbouring Moravian society, and also differing in practices, as well as language, from the Quakers, the Schwenkfelders, whose first location in Pennsylvania was about the Perkiomen and Skippack Creeks, remained a separate body.

At the house of Christoph Wiegner, one of the passengers on the "St. Andrew," and said to have been a Schwenkfelder, began gatherings of religious men of German or other foreign birth or parentage, taking the name of *Vereinigte Skippack Brüder*. Eventually Wiegner and nearly all the others became Moravians. Grüber, the Inspirationist, resorted to the gatherings. He wrote in 1736 an appeal for unity among the various denominations of Christians. He may somewhat have prepared the way for the greater movement in this direction.

We should make some allowance for *odium theologicum* in a religious writer's portrayal of the holders of opinions or the members of a party opposed to his: but we must glance at the deplorable picture which the Moravian Bishop, August Gottlieb Spangenberg, in his *Life of Zinzendorf*, paints of the religious condition of the Germans in Pennsylvania about this time. They were, Spangenberg says, nearly 100000 in number. There were nine sects—he evidently does not count the Moravian—besides the Lutherans and Reformed, the adherents of each speaking harshly of those who differed with them, the adherents of the nine particularly despising the Lutherans and the Reformed, not only

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because there was so little animation in their meetings, but because, he says, there was much to object to in the attendants' lives and conduct. On the other hand, so many of the inhabitants, he tells us, lay in apathy or unbelief that there was a common expression, "he is of the Pennsylvania religion," to denote any one who cared not for God and His word.

Whitefield and the Tennents brought about a great awakening, more particularly in the English-speaking population. Whitefield, on his first visit to Pennsylvania, preached at Wiegner's to many Germans. As to Church Unity, as has been seen, Whitefield drew closely together British Dissenters and those Anglicans who adopted the principles once called by American Episcopalians and Englishmen "Evangelical" and "Low Church"; but he broke one or more Dissenting bodies, and the Church of England, each into hostile camps waging a warfare as bitter as had been the almost forgotten contest between Presbyterianism and Prelacy. After having unsatisfactory relations with the Moravians in Pennsylvania, and becoming a strong Calvinist, he violently contended in England against the *Unitas Fratrum*, as the Moravian body called itself: but the contention is not one of the subjects of this history; for his followers in Pennsylvania were not dealing with the faithful of any denomination collectively.

The local branch of the *Unitas* is a feature of Pennsylvania's colonial history really more distinguishing than the branch of the Society of Friends; for within the province long were comprised the only Herrnhuters, as Europeans called them, resident in North America, while Quakers and even Quaker Meetings were in a number of the colonies. It is not necessary to trace a connection with the earlier teachers, parties, or national hierarchies whose views or some of whose views the founders held, in order to show that the organiza-

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tion into which the latter resolved themselves, and which Zinzendorf resuscitated, was the earliest opposed to the Church of Rome of all the Christian bodies which are known to have sent settlers to Pennsylvania before recent times. From the *History* written by Bishop Edmund de Schweinitz, we learn, that, for some years before 1467, there had been a number of gatherings throughout Bohemia and its dependency Moravia of persons holding views very near the consensus of most Protestants of later times, and calling themselves "Fratres Legis Christi" or simply "Fratres." The principal gathering had been started by persons from Thein parish, Prague, making a religious settlement at Kunwald in the barony of Senftenberg near the Silesian border. General synods had brought the scattered Brethren into unity. Twenty-eight elders had in 1457 been elected spiritual guides; but priests in harmony with the members were performing the ministerial functions according to a simplified liturgy, and there had been no schism from the National Church of Bohemia, then and for years afterwards controlled by the Calixtine (cup to the laity), or Utraquist (in both kinds), party. The Fratres adopted the drawing of lots as a means of ascertaining Divine direction. In 1467, as the result of such drawing of lots, the Fratres undertook to establish an independent ministry for themselves. They believed in baptizing infants, but, as an act of separation from other Christians, on this occasion rebaptized one another, and afterwards rebaptized anyone joining them. On the other hand, while they believed in ordination by presbyters, they, to conform to the practice of the Universal Church, caused three of themselves, who had been duly ordained priests by Roman, Utraquist, or Waldensian bishops, to be consecrated bishops by two Waldensians, one of whom is said to have been himself consecrated by one of the prelates attending the Council of Basle. Thus invested

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with episcopal rank, although subsequently the title used was more frequently "Antistes," or Senior, than "Episcopus," these three ordained as priests three persons selected by lot, and then consecrated as Bishop one of them, selected in the same way. Through him, who became the actual head, the succession was maintained throughout the period when the *Unitas* grew to large dimensions, flourished in a Polish branch and a branch in Germany and Hungary, and then dwindled almost to extinction. The accession of various Waldensians led to a confusion with the latter, and designation by the name of the latter by some writers: but the name "Bohemian Brethren" came into general use. Luther, hailed as a co-worker for Christendom's purification, had sufficient influence to cause the abolition of the practice of rebaptizing converts from the Roman Church. The Zwinglians introduced views which so commended themselves that a union was formed between the Zwinglians and the Brethren in Poland, and John Bechtel of Germantown, in issuing, in 1742, a catechism for the Reformed, declared it based upon the Synod of Bern "as held by the Moravian Church." Protestantism was pretty well exterminated in Bohemia and its dependency Moravia. Elsewhere in Germany the toleration which the Lutherans and Reformed exacted from the House of Austria was not extended to any worship other than Lutheran, Reformed, or Roman Catholic.

By 1722, the *Unitas* was reduced to the following, viz: a small body in Poland, presided over by its own Bishop, a few clergymen and congregations in Hungary, and a few families of humble station in Moravia. The latter were occasionally visited surreptitiously by clergymen from Hungary, and might have been deemed a part of the German and Hungarian branch, the Bishop for whom, the learned Jablonsky, was Court Chaplain at Berlin, where the Reformed was the re-

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ligion of the King. Some dwellers at Sehlen, in Moravia, of the remnant of the *Unitas* in that country, wishing to emigrate to where they could more openly enjoy their forefathers' religion, heard through Christian David, a native of Senftleben, that Zinzendorf was willing to receive upon his manor of Berthelsdorf, in Upper Lusatia, those oppressed for conscience sake. So, ten persons, including four children, went thither with Christian David, leaving their native land in the Spring of 1722. After laying out on the Berthelsdorf estate a village called Herrnhut, they were visited by the owner and welcomed. He had purchased the estate as a place of retirement from the world, and a home for God-fearing persons; he had started the erection of a dwelling-house for his family to occupy during part of each year; and he had gathered a religious circle presided over by himself and the Lutheran Pastor of Berthelsdorf, the Lutheran Pastor of Görlitz, and Baron Friedrich von Watteville.

Zinzendorf was born in Dresden on May 26, 1700, and baptized in the Lutheran Church, the Electoral Princess of Saxony and the Electoral Princess of the Palatinate being sponsors with Spener, the Pietist leader. Of ancient lineage—the family boasting twenty-two preceding generations—and high rank, albeit a younger son, possessed moreover of some wealth, Zinzendorf was early inclined to seek the humble post, deemed inappropriate for one of his order, of a Lutheran pastor; but his family deterred him, and he prepared for a diplomatic career. After studying at the University of Wittenberg, he gave this up, and, although accepting a seat in the Aulic and Justitial Council, devoted himself to religious work, holding conferences, preaching, editing literary works, and writing hymns and other pieces, imbued with the ideas of the Pietists, and without intention of withdrawing from the Lutheran fold. His wife, *i.e.* his first wife,

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a sister of the Count of Reuss,—a family subsequently made sovereign princes,—thoroughly cooperated in her husband's work. Although he had studied theology, he deemed religious feeling the main thing for a Christian, and, as to recondite points beyond a certain basis of belief, was tolerant—in fact, his sympathy for Roman Catholics was made one of the charges against him. He saw no need of higher education, theological or literary, for the mass of mankind; and his teaching may be said to have been upon the principle: only milk for babes.

The Moravians who came in 1722 or soon afterwards, joined his religious circle, and apparently all of suitable age received the communion with him from the Lutheran Pastor at Berthelsdorf, even after the arrival of John Toeltschig and others who yearned for the old customs of their forefathers. David Nitschmann and his family came from Zauchtenthal in 1725. An effort being made to get into communication with those of the *Unitas* scattered in other countries, numbers were brought in: there was a split, and the majority were led to hold aloof from the sacrament as administered by Lutheran rite. Zinzendorf began expostulatory preaching to the seceders, who then asked him to take charge as a lay head and guardian of their sect. To preserve them in communion with the Lutherans, even on condition of the perpetuation of the old form and constition of the *Unitas,* he accepted the office of Superintendent, under statutes agreed upon unanimously by the congregation at Herrnhut on May 12, 1727. There were twelve elders under him, and Watteville was made his assistant. The Pastor of Berthelsdorf was to be resorted to for clerical functions. On Wednesday, Aug. 13, 1727, the Moravian immigrants and others partook of the sacrament of the Lord's Supper, which was celebrated in the Lutheran Church at Berthelsdorf. The day "is held in remembrance as an eventful one

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in the history of the renewed Church of the United Brethren." Care must be taken not to confuse the English equivalent of *Unitas Fratrum* with the same words as the title of the Dunkards. In minutes of the Moravians later than May 12, 1727, there was a declaration of satisfaction with the Lutheran liturgy as used at Berthelsdorf in 1727, and a disclaimer of any intention to be separatists. A congregation at Berthelsdorf adopting the statutes of Herrnhut, this society of peculiar customs within the Lutheran fold began to spread. An account of the rapid growth, diversified activity, and system of spiritual inspection and direction at the headquarters, is given in a book by Henry Rimius attacking Zinzendorf and his followers, but entitled, rather deceptively, *A Candid Narrative of the Rise and Progress of the Herrnhuters.* The founders persisted in calling themselves Moravian or Bohemian Brethren, and, on Zinzendorf's once proposing the relinquishment of the ancient methods, the others objected; so there was a casting of the lot, when their wish appeared to him as the Lord's direction. Yet the Herrnhuters were kept to an avowal of the Augsburg Confession, which the old *Unitas* had never in explicit terms adopted. Zinzendorf, passing a theological examination, obtained from the Lutheran authorities the ecclesiastical status of *candidatus theologiæ,* deacon or licentiate.

Rimius says that until Zinzendorf's resignation in March, 1730, Zinzendorf was Trustee or Guardian of the company, being entitled *Vorsteher,* which he explained to be Director *ad interim, i. e.* while the society was under tutelage. Appointed to resume the position, he did so on Jany. 30, 1733, and kept it until excused in 1743. Chosen on Nov. 21, 1743, Minister Plenipotentiary and Œconomist, with power to choose his successor, he did not accept until the close of the following

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year. At one time he called himself Lord Advocate of the *Unitas Fratrum*.

The reader who takes up Rimius's book and Rev. Dr. Archibald Maclaine's edition of Mosheim's *Ecclesiastical History* will find enunciations by Zinzendorf and other Moravians tending to subvert the Christian faith and a moral life. Not being able to pass over the quotations as spurious, we can reflect that arguers are prone to exaggeration, that preachers are not self contained, that a man full to the brim with oratory is apt to slop over. Beyond this, however, there were times when Zinzendorf must have been crazy, when he talked like a poet of obscene rites. Yet the Moravians were Orthodox, devout, and continent. Not a word from any Pennsylvanian has been found by the present writer to impugn their teaching or their practice: nor did Zinzendorf impress the colonists who were not his ecclesiastical opponents as anything worse than an oddity. Yet, withal, he had grand ideas and very considerable abilities.

Without a parallelism being seen between the freaks of the enthusiast, Zinzendorf, and the final imbecility of the Quietist, Penn, there are such points of resemblance in the careers of Zinzendorf and Penn, as, had they been heroes of prehistoric times, would lead some scholars to declare the two identical or confused with each other: witness, foregoing of advantages of worldly station, to become a preacher; founding of a religious colony in Pennsylvania; shortness of stay there; financial embarrassment; loss of a son in whom hopes centered; and even second marriage, the woman being below the man in rank,—in Zinzendorf's case, she was a peasant. Like Penn, Zinzendorf exerted great influence outside of his sect: his judgment in temporal affairs was sought by potentates, the King of Denmark asking him to join the Cabinet, and bestowing upon him the order of Dannebrog. He was instrumental in

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the formation in various places of associations of those awakened from religious lethargy. He used the Herrnhuters, united by Moravian customs as regulations for themselves, as a society of men and women to carry the Gospel to the heathen or those benighted. Under his inspiration and care, the scarcely visible remnants of the *Unitas* rose, Phœnix-like, to be as great a missionary order of non-Papal Christians as the Franciscans have been of Papal. The Herrnhuters from the earliest days of their organization went over the world, not to preach Lutheranism, not to spread usages, but to teach elementary Christianity, or to develop personal religion among the members of Christian Churches: sympathetic societies were formed outside of the Lutheran denomination, in the Reformed of Holland as well as of Germany, and in the Anglican, without withdrawing the faithful from their old connections; and an entrance was even attempted in the Greek Church and the Coptic.

Members of the Moravian organization, who, as Spangenberg says, were unlearned persons, whom no ecclesiastical consistory would think of ordaining, went to the West Indies, and to Greenland. The desirability of ordained ministers to baptize converts from heathenism, led to the expedient of having a Moravian bishop who could ordain to a missionary pastorate. David Nitschmann was selected by lot, and sent to Jablonsky, the surviving Bishop for Germany and Hungary of the old *Unitas Fratrum*. He with the consent of Sitkovius, the Bishop for the Polish branch, consecrated Nitschmann on March 13, 1735, as Bishop of the foreign churches of the Brethren. Zinzendorf explained, that, notwithstanding this, the Moravians were still Lutherans belonging to the parish of Berthelsdorf. This was perhaps partly to secure the toleration accorded in Germany to Lutherans.

George Böhnisch (called Georg Bansche in Rupp's *Collection of 30000 Names*) and Christopher Baus

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(called Christoph Pauss) and perhaps other Moravians were passengers accompanying the Schwenkfelders on the "St. Andrew" in 1734. The *Memorials of the Moravian Church* edited by Rev. William C. Reichel give much information as to the proceedings of the Moravians in the North American colonies for a quarter of a century following Böhnisch's arrival. He remained in Pennsylvania about three years, during which time August Gottlieb Spangenberg, previously a professor at Halle, and Nitschmann, the new Bishop, came on visits.

Returning home, Nitschmann joined Jablonsky in consecrating Zinzendorf as a Bishop on May 20, 1737, in Berlin, with the consent of the Polish Bishop. Spangenberg says that Zinzendorf decided to receive the episcopal degree in succession from the *Unitas*, rather than a Lutheran consistory's ordination as a pastor, because there was a disposition in the Church of England to recognize the holy orders of the *Unitas*. Zinzendorf for a while signed himself "*Ludovicus Moraviensis.*" By the time he came to Pennsylvania, he, in order to relieve the Moravians from such opposition as was personal to him, had resigned his bishopric, others had been chosen and consecrated, and he was described as Episcopus Emeritus.

Among all Protestant bodies, as well as among the missionaries composing the *Unitas*, its American branch has distinction for what it did among the so-called aborigines of the Middle States. Only a few items, however, of the story can appear in annals of the period covered by this book. Down to the arrival of the Moravians, practically nothing had been achieved within the bounds of Pennsylvania and the Counties on Delaware in the way of converting the Indians to Christianity. The Jesuits or other Roman Catholic priests of Canada had baptized several of the Conestogas in early times. A Swedish minister had at-

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tempted the conversion of some chiefs, but found himself unequal to answering their objections. Some Quakers had preached to the savages apparently without their being in the least moved. The efforts of the Church of England in this direction had been confined to the province of New York.

David Brainerd entered the field within a few years after Zinzendorf's visit, preaching at an Indian village below the Water Gap as early as May, 1744, soon doubling the number of his hearers, baptizing Moses Fonda Tatemy on July 21, 1745, and dying in 1747.

Apparently the earliest Moravian success among the Indians was achieved in 1740 by Christian Henry Rauch within the province of New York, where for some years there was a mission among the Mohicans at Shekomeko. The story of one conversion is an instance where the strong preaching of the Redeemer's sacrifice made an impression. Rauch met Tschoop, or Wasamapah, a Mohican, in the street in the city of New York, very drunk and dangerous. Rauch joined him, and appealed to him by the blood of Jesus Christ. Tschoop, in his condition, could catch only the word "blood," often repeated by the mild stranger, but could not forget it, and, when sober, came to seek enlightenment. Formerly the most feared Indian of his neighbourhood, he was the first or one of the first to seek the benefit of that "blood." At his baptism, delayed until April, 1742, he received the name of John.

Peter Böhler, who, with other Moravians, was on the sloop which brought Whitefield and Seward from Savannah to New Castle in April, 1740, had been ordained as Pastor by Zinzendorf. Whitefield's employment of the Moravians in building at Nazareth, his discharge of them, and the ultimate transfer of the property to the *Unitas*, are mentioned in the chapter on the Church of England. In the Spring of 1741, Bp. Nitschmann having joined the others in the neighbour-

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hood, they started a town by the Lehigh on a tract bought from William Allen.

Zinzendorf visited Pennsylvania to take up land for the faithful, to start settlements, and to preach, asking to be known by the less distinguished name of Thürnstein, and in fact called Brother Ludwig by the Moravians. Accompanied by his daughter Benigna and others, including an amanuensis, Zinzendorf arrived in Philadelphia on December 10, 1741 (N. S.), Christian Fröhlich having previously rented for him a three-story house in Second Street near Sassafras (Race). On a journey into the country, Zinzendorf stopped at the house of Henry Antes, who had, in 1725, urged Boehm to assume clerical functions without ordination, and who had since become one of the "Skippack Brethren," and who now induced Zinzendorf to attempt a combination or harmonization of the various sects, or, at least, the chief sects among the foreign settlers. Antes accordingly wrote under date of December 15, to the Ephrata community, and, probably under the same date, to every other "dear Friend and Brother," to come on the following New Year's Day—speaking to Germans, he meant January 1st, but the same day as the English called January 1st—to meet in Germantown to deal lovingly concerning the weightiest articles of belief, in order to see how near at bottom one could be to another, and to suffer one another in opinions which do not affect the basis of happiness.

Zinzendorf began Gospel preaching acceptable to earnest Christians generally, startling to the indifferent, and often corrective of the vagaries of the smaller sects. For a while he preached nearly every Sunday in the Reformed Church in Germantown. During the period covered by the earlier conferences of the sects, he was well received by most of the German Lutherans, and by some of the Reformed not under the influence of Boehm, upon whose stern Calvinism Zinzendorf

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animadverted. Zinzendorf excited opposition by interviews with Mennonites and others to lead them to yield as to infant baptism.

He made a great impression upon the Lutherans in the city of Philadelphia, brought them to tears before he would agree to administer the communion to the congregation, and was elected Pastor, if not unanimously, at least without much opposition. An arrangement was made with the German Reformed Congregation for joint use of the stable or butchering-place mentioned in the chapter on the Germans. The contract was dated Jany. 1, 1741-2, Zinzendorf signing it as Ludwig Herr zu Thurnstein. The Lutherans were to have the place three Sundays in every month, but the Reformed were to be allowed besides one Sunday an additional one, if they could get a minister to preach twice a month.

Visiting the new Moravian settlement on the Lehigh, Zinzendorf named the town there Bethlehem, that suggesting itself, when, at the close of service on Christmas Eve, 1741, he started the hymn:

"Nicht Jerusalem,
"Sondern Bethlehem,
* * * * * * * *
"Aus dir kommet
"Was mir frommet."

We are told, that, when Zinzendorf learned of the objection made by the Indians to the inclusion of this region in the notorious Walking Purchase, he paid them for what Allen was selling to the Moravians.

Reichel, who has undertaken to translate all dates into New Style, says that the conference called by Antes for New Year's Day met on January 12. The printed *Authentic Relation of the Conferences* says that on Jany. 1 there were present a number from the three oldest Protestant religions [by which probably were

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meant Moravian, Lutheran, and Reformed], and also from those called Quakers, from the Mennonists, from the Baptists, from those who were keeping the Sabbath, from the so-called Schwenkfelders, from the Separatists, from the Hermits, and from the Inspired. At the outset, there was a remonstrance made by a Separatist against some of Zinzendorf's preaching: Zinzendorf, quoted by Spangenberg, tells us: "I was compelled contrary to expectation to take the place of an accused person, and defend myself against severe accusations brought against me by each of the sects in particular."

Rev. Levin Theodore Reichel has given a pretty full account of these conferences, or Synods, as he calls them, in his *Early History of the Church of the United Brethren (Unitas Fratrum), commonly called Moravians, in North America, 1734–1748.* He says that Antes opened the first conference, and that Zinzendorf's speech moved those present to see how much they had in common. On the second day, a confession was unanimously adopted that no one else can save from eternal death but the Lord and God Jesus Christ by his blood, for which purpose His Father sent him: every one remaineth in sin except called to life by Christ, and must be regenerated, but when and in what manner is known only to the Lord; every pardoned sinner must have heart and mind guarded by grace of the Lord our God; it was not the preacher's purpose to bring souls to life, but to impart the Word of Life to those who had been awakened by Christ. The first conference ended amicably. The Ephrata company was represented at it by Eckerling, the Prior, and by Johannes Hildebrand, and it was arranged that the second conference, a fortnight later, should be held at Ephrata, but Beissel and such Ephrata brethren as had not attended, would not permit this. Beissel's letter to Zinzendorf, given by Sachse, is dated the 9th of 11th month

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(January), 1741 [1741–2], between the first and second conference.

The second conference was held at George Hübner's at Falkner Swamp. Zinzendorf was chosen Syndic. An agreement was reached, to avoid a poor inquirer being directed in twelve different ways, that, if he were not connected already with any religious society, any one who had directed him in the way should be at liberty to keep him in religious guidance.

The third conference was held in February at Oley, the second day's session being in John de Turck's barn. Possibly it was at the very beginning that Zinzendorf declared, that, far from agreeing with all the views that might be expressed, he took the office of Syndic as the Lutheran preacher in Philadelphia for the time being. At some stage of the proceedings, a Scotch Presbyterian raised ill feeling by speaking of "secret enemies of Jerusalem." No Moravians attended this conference except as individuals, probably classed by Zinzendorf as members of the Lutheran Church. It was proposed that the hearers of Andrew Eschenbach, a Moravian living near Oley, be organized as Moravians; but Zinzendorf opposed this, and the union character of that congregation was declared. There came up the subject of the difference between the celibate, immersing, and Saturday-keeping Ephrata brethren and Zinzendorf, who, in strong language, as has been intimated, urged marital duties. Sachse prints the compromise declaration, whereby, on the latter subject, the Ephrata brethren disavowed attributing Zinzendorf's position to the flesh, and Zinzendorf disavowed attributing the Ephrata brethren's position to the Devil. However, the Ephrata brethren withdrew. The record of this is as discreet as the aforesaid declaration, and in fact shows that Zinzendorf's aptitude for diplomacy had not been overrated. The record says that they were excused on the evening of the second

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day, in order that they could reach home without breaking their Sabbath by travelling on Saturday. As they never again attended the conferences, it is evident that they appreciated the hopelessness of union. The Mennonites and Schwenkfelders also made up their minds to drop out. The Dunkards arranged for an annual conference of their own. Among the other attendants at this third conference, the idea of a spiritual union, a harmony leaving congregations unbroken, and speaking in conferences of workers, created enthusiasm. To preserve the union, a curious agency was devised. By sifting down the membership by lot to smaller numbers, three Trustees were chosen, viz: Andrew Frey, a Dunkard, Gottfried Haberecht, who had been first a Moravian and lately an inmate of Ephrata, and had returned to the Moravians, and Anton Seyffert of Bethlehem; and these were to choose in secret, subject to confirmation by lot, two persons, whose office should be taken away if their names became known, whose duty it should be secretly to counteract any danger of the union being dissolved. On the second day of the conference, perhaps contributing by arousing enthusiasm to the adoption of the aforesaid measures, Nitschmann, Zinzendorf, and Anton Seyffert ordained to the ministry Andrew Eschenbach for the Oley congregation, also Christian Henry Rauch, the laborer among the Indians at Shekomeko, also Gottlob Büttner and John Christopher Pyrlæus. Rauch then baptized three Indians whom he had brought with him; John Hager was set apart as a missionary; and it was decided to give up an intended colony in Georgia. From that decision, Pennsylvania became the North American seat of the Moravians. Congregations started in Germantown and Falkner Swamp. Oley became Moravian in the course of time. On Zinzendorf's recommendation, Pyrlæus was agreed upon by the Philadelphia Lutherans to act as Pastor when Zinzendorf should be absent.

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When, on March 21, at Ashmead's house in Germantown, the fourth conference met, Zinzendorf was chagrined by the absence of the Mennonites, Schwenkfelders, and others. He proposed to dissolve, but was overruled. It was then that he made an address expressing his strong preference for the Lutheran Church, even over the Old Moravian, if the ministers of the former would be valiant, single minded, well grounded in doctrine, and act with divine wisdom. As to the Reformed, he said, that, in the first part of the published proceedings of the Synod of Bern, the chief points of doctrine were according to the truth, so that a servant of Christ could under that creed proclaim a pure Gospel.

Immediately after the fifth Synod, which was held from April 17 to 20 in the German Reformed Church in Germantown, John Bechtel was ordained by Bp. Nitschmann to be Pastor of those attending that church: and thus, we may say, there was completed a sort of Union called the Congregation of God in the Spirit, the members of which were to retain their former beliefs and connection with their former sects, and, in fact, were to dominate the latter. This Union was to be formed, like the United States of America in the making of the Constitution, by the People, instead of by the organizations, which in this case were the sects, corresponding to the States which formed the Federation: and the members were to come in no official capacity, but as individuals, who, by increase of their number, might ultimately be the majority of a particular sect. The sectarian tie uniting certain of those who were under the influence of the Union was called by Zinzendorf a "*tropus*," meaning a manner of training; and, when, on a larger scale, Moravian unity, fellowship, or comity was spread in the Old World, Bishop Wilson of Sodor and Man, one of the most revered prelates of the Church of England, was ap-

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pointed President of the Reformed Tropus, the other tropes being the Moravian, with the old customs of the *Unitas,* and the Lutheran, although Rimius says, that, in 1748, Zinzendorf made all tropes, probably all fellow workers of whatever denominational antecedents, receive the Augsburg Confession.

There was no company of Zinzendorf's Union which was distinctly called Moravian until the sixth Synod, the Moravians being ostensibly Lutherans. In May, 1742, about fifty-six persons from England, known as the first Sea Congregation, reached Philadelphia. In June, they attended the sixth Synod. It was held in Germantown. This conference formally recognized these fifty-six persons as a congregation of an independent and inviolable true Church of God, the Old Moravian; and color was thus given to the claim that three religious denominations—three tropes—were represented in the spiritual league. Antes was commissioned to issue a circular to the whole country, asking all the children of God to join this *Gemeine,* and to attend the conferences, which were to be held quarterly. The circular added: "All of us taken together constitute the body of Jesus in Pennsylvania," no doubt meaning all to whom the circular was addressed.

We can not believe that in either Zinzendorf's patronizing the Moravians or his promoting the establishment of this *Gemeine,* personal ambition was actuating this Count of the Roman Empire, whom we see, without, as we are told, such marks of dignity as sword and wig, and with Slavs from Bohemia and Moravia as his companions, riding over the mountains of Pennsylvania in Midwinter to give a religious turn to the feelings of yokels, and in the season of almost impenetrable foliage to make the acquaintance of savages. Yet his scheme has been truly decribed by Prof. Oswald Seidensticker: "He sought to bring them all under one hat, that is, his own hat."

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The conduct of Zinzendorf and his followers was often arbitrary. Prior to his arrival in America, the Moravians had been keeping together the former partisans at Tulpehocken of Leutbecker, mentioned in the chapter on the Germans. Zinzendorf stationed Büttner there temporarily. Büttner sent questions in writing to Stoever, insinuating that that gatherer of the German Lutherans had not been ordained; and Büttner's adherents had the church building deeded to them, so as to keep Stoever out of his turn to use it. Büttner found himself so unpopular in the locality that he resigned on May 30, but he was induced by his party to return in July. At said sixth conference of the Congregation of God in the Spirit, Zinzendorf, Büttner, Pyrlæus, and Brycelius resolved themselves into a Consistory of the Lutheran Church of Pennsylvania, and, as one of its first acts, sentenced Stoever to deposition from the ministry. Then again, even if Bechtel's ordination to labor among some Reformed was justifiable, there can be condemned, as a reprehensible attempt to undermine Boehm, the giving to Bechtel of the title of Commissary or Overseer of all the German Reformed Churches in Pennsylvania, and the asking of Boehm, who was within the obedience of the Church of Holland, to submit to Bechtel. Of course, Boehm did not comply.

The Sea Congregation settled at Nazareth. Zinzendorf, who accompanied the congregation on the journey thither, proposed on June 23, that the Moravians keep Saturday as a day of rest commanded by God, Sunday remaining the day for religious services. This was decided upon. It is not now the practice.

In July, Zinzendorf made a visit to the Delaware Indians. On his way back, he felt imperatively called to Tulpehocken: sending most of his party back to Bethlehem, he says: "In strong faith I obeyed the call, although knowing neither why nor wherefore." Reach-

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ing Weiser's house in Heidelberg in the Tulpehocken region, on August 3, he found there the chiefs of the Six Nations on their return from the meeting, or treaty, with Lieutenant-Governor Thomas to be mentioned in the next chapter. Zinzendorf's unexpected presence and his design, neither to buy land, nor to trade, impressed the chiefs, and they granted to his associates permission to preach in the country of the Six Nations. In August, he proceeded across the wilderness to Esopus, New York, and thence to Shekomeko, and organized there a congregation of Mohicans converted by Rauch. At Hurley, Ulster County, N. Y., a Reformed Dutch neighbourhood, Zinzendorf and his daughter were arrested and fined for Sabbath-breaking in writing on Sunday! In the Autumn, after baptizing the first Indian ever baptized at Bethlehem,—the Moravians, caring more for the intensiveness than the extension of discipleship, were in no hurry to baptize,—Zinzendorf went to Shamokin, and secured the good wishes of Shikallima, who had unexpectedly returned; and from that settlement of the Delawares, Zinzendorf visited the Montours at the mouth of the Loyal Sock (Montoursville), and thence, turning nearly due east, journeyed to Wyoming, where, although he found the Mohicans complaisant, he utterly failed to obtain the consent of the Shawnees to the sending of missionaries, and seemed in peril of his life, until he left.

While the interviews with the Indians were the introduction of a wonderful work among them, while the attention to the affairs of the Moravian Brethren built up in Pennsylvania a large religious denomination, which became independent of all others, the project of combining groups of sincere advocates of different beliefs into a confederation, naturally failed. The total result was additions to the Moravian fold.

Stoever even at Tulpehocken, although not in the old log church, continued holding services, and with an

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increasing number of attendants. It being found that Büttner's friends had taken title to the church building for themselves personally, Zinzendorf was nearly mobbed on a visit to Tulpehocken. However, a deed of trust was produced, and his appointee, John Philip Maurer, was accepted as Pastor by the few who had not gone over to Stoever. Zinzendorf performed the strange ecclesiastical act of ordaining Maurer in writing, or perhaps merely commissioning him, for on Nov. 29, 1742, there was the laying on of hands upon him by Pyrlæus.

A noticeable defeat of Zinzendorf in his scheme to have the Lutherans of Pennsylvania directed by Moravians took place in Philadelphia. Apparently some of the few Lutherans there had not wanted him as Pastor, and the number of the dissatisfied ones increased, when Pyrlæus had taken the pulpit, pursuant to the arrangement, and they found themselves hearing Moravianism. On Sunday, July 29, when it was the Lutheran turn to use the butchering-place, the trustees did not hand over the key, and Pyrlæus broke in. When the congregation was at worship, four young men, described by Spangenberg as "some wicked people who called themselves Reformed," came in, crying out that they would not tolerate Pyrlæus, and accordingly tore him out of the pulpit, dragged him out of the building, and kicked him, and then took possession, neither he nor anybody else making any resistance. Boehm, in a letter printed with the minutes of the Coetus, speaks of the people turning Pyrlæus out with the aid of some of the Reformed. Zinzendorf, while undertaking to obtain justice for the "tumult" and breach of agreement, secured for his party among the Lutherans a lot at the southeast corner of Sassafras (Race) Street and an alley long called Moravian Street, and laid the cornerstone for a house of worship on Sep. 10.

Rev. Valentine Kraft, a Pastor in the Palatinate,

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dismissed by the authorities of Zweibrücken, arrived in Philadelphia on August 25, 1742, and, without bringing letters, announced that he had been sent by the Consistory of Darmstadt, to whom the congregations of Philadelphia and Germantown and New Hanover and New Providence had applied for a Pastor. He was received with enthusiasm by the opponents of Zinzendorf, and enabled them to keep up some services in the butchering-place. Kraft is said to have organized a Consistory to be presided over by himself, but the only minister who may have joined was Stoever, who had been his pupil in Germany, and in whose behalf Kraft visited Tulpehocken on November 5. Zinzendorf was obliged by the civil courts to surrender the Philadelphia church book. Spangenberg speaks of a newly arrived Lutheran preacher, evidently Kraft, acting against Zinzendorf, and causing a split among the Lutherans, Zinzendorf finally letting him and his subsequent assistants, evidently including Mühlenberg, act as they pleased, because Zinzendorf was satisfied by Christ being preached. Apparently restricting the work of the Moravians in the city to the English, Zinzendorf sent Pyrlæus to Tulpehocken, where and at Canajoharie, New York, he studied the Mohawk language, afterwards becoming the teacher of it to various Moravians.

The seventh conference of the Congregation of God in the Spirit was held at the house of Edward Evans in the city of Philadelphia on Oct. 16, Zinzendorf being absent. It was decided to establish a boys' school in Philadelphia and a girls' school in Germantown, and the project was endorsed that the Moravians build a church in the city for the Lutherans to use as long as they were willing to have the Gospel proclaimed by the Moravian Brethren. This matter was pushed forward so well that Zinzendorf was able to consecrate the building on Nov. 25.

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During the closing weeks of Zinzendorf's visit to America, there were, if we can count the Moravians from Herrnhut as Lutherans, four different kinds of Lutherans represented in Pennsylvania, viz: 1st, the Swedish Church; 2nd, the old, we might say "High Church," Lutherans, like Kraft and Stoever, who considered anything from Halle as scarcely Lutheran; 3rd, Zinzendorf's Moravians calling themselves of the Lutheran Tropus; 4th, moderate Pietists, if some of those welcoming Mühlenberg can be so classified, otherwise Pietism not Moravian was the religion of a single individual, viz: Rev. Heinrich Melchior Mühlenberg. The Lutherans of every kind aforesaid were earlier or later, temporarily or permanently, in violent opposition or merely estranged from those of the three other kinds, as has been partly shown.

Rev. Henry E. Jacobs, in his *History of the Evangelical Lutheran Church in the United States,* has said that no more determined opponents of Zinzendorf were to be found than the theologians of the Halle school, who were anxious not to be held responsible for the carrying of Pietism to such extremes, and feared the consequences of Zinzendorf's custom of withholding doctrine. Jacobs goes on to show that it was Zinzendorf's labors in Pennsylvania which woke the Halle authorities to do something there. Mühlenberg, born in 1712, was a native of Einbeck in Hannover, and a graduate of Göttingen, and had been Pastor near Herrnhut, ordained at Leipzig. He was sent from Halle, in response to a request for a Pastor, made about ten years before, and since repeated, by the congregations of Philadelphia, Falkner Swamp, and New Providence, the German Lutherans in Philadelphia and Germantown being one congregation at the time. He reached Philadelphia on November 25, 1742. He brought letters from the Lutheran Court Chaplain in London, but had some trouble at first in being accepted.

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On November 26, he arrived at Falkner, and, although he preached there the next day, Sunday, without objection from the lay preacher employed there, the congregation hesitated about turning off the latter. At New Providence, suggestions were made by Kraft and others of a division of the work between him and Mühlenberg. In Philadelphia, Mühlenberg waited some time, before Kraft, backed by the elders and deacons, would allow him to preach in the butchering-place; but, soon after his first sermon there, the congregation turned to him. Kraft retired to the country districts, taking charge first at Moselem (in Berks Co.), afterwards at Lancaster, and in 1747 at Hanover, York Co., on a contract for a year. He died in Maryland in 1751.

From another side, Zinzendorf opposed Mühlenberg in Philadelphia. Zinzendorf arranged for Mühlenberg to come to see him, and then received Mühlenberg in presence of "the officers of the Lutheran congregation," and was little disposed to recognize the validity of so belated an appointment in response to the congregation's call. Mühlenberg was calm and courteous: Zinzendorf, by nature vehement. Had he not, however, yielded, he would have been a formidable rival, with a new church, offered free, to appeal to German parsimony, and with a better ecclesiastical right to the Pastorate to appeal to the flock's conscience: for the divines at Halle had no jurisdiction over Pennsylvania, and a minister sent by them to an organized congregation was an intruder, unless he had a call from the congregation; and a call unaccepted could not hold good indefinitely, and prevent a congregation after a reasonable time from putting itself under some other ordained minister; and the ordination which Zinzendorf had received from Jablonsky was deemed valid. Under date of December 25, the deacons and elders of New Hanover and New Providence in writing accepted Mühlenberg, and promised to permit no man to preach, or to

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administer the sacraments, unless regularly called and ordained according to Article XIV of the Augsburg Confession.

On Dec. 28, 1742 (O. S.), at Roxborough, another conference, or Synod, was held. The object of the meeting was to gather the remaining solitary of the Wissahickon, but this failed. A new Syndic was chosen to succeed Zinzendorf, and it was arranged that the Synod should meet annually. Proceeding to Philadelphia, as Spangenberg tells us, Zinzendorf devoted himself to the Moravian Lutherans as much as time permitted, and established a church "of those Englishmen who had been recently brought by the ministry of the brethren to a knowledge of the Gospel," and finally preached in the evening of December 31 "in the newly erected church building in Philadelphia."

Leaving the church before the conclusion of the service, so as to avoid saying farewell, he went to Frankford, and spent the night there, and on the next day set out for New York. He sailed eight days later.

The Philadelphia Moravian congregation which Zinzendorf organized at the close of his visit to America consisted of thirty-four persons. Under date of Aug. 20, 1743, Samuel Powell (not the Quaker carpenter) and others, whose names were not German, took title to the church lot. By a deed of Apr. 22, 1746, a trust was declared, and in that year a parsonage was built on a lot adjoining on the east. In 1745, a Moravian church was built in Heidelberg.

Mühlenberg at first could establish moderate Pietism only in his parochial charges and the congregation at Germantown, which joined the other three: but these posts were very important, and grew in strength. New Hanover had 250 communicants in 1743. Philadelphia began in that year a stone house of worship 70 ft. long and 45 ft. wide. It was situated on a lot at the southeast corner of Fifth and Cherry, and was called St.

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Michael's. New Providence built one somewhat smaller, at Trappe. It was named the Augustus Kirche, in compliment to the Rev. August Herman Franke, and is now standing. Respectable in habits, with forcefulness, financial generosity, and self-sacrifice, and with the prestige of association with Halle, and even making the far-fetched claim that the Court Chaplain's endorsement was a quasi appointment by royal authority, Mühlenberg was finally enabled to save German Lutheranism in America from being swallowed up by Moravianism. He, moreover, gained somewhat in influence as against Stoever. The Lutherans of Tulpehocken, excluded from the old place of worship by the Moravians, started a new church building in the Spring of 1743, calling it Christ Church, and, on the advice of Mühlenberg, called as Pastor Rev. Tobias Wagner, ordained in Würtemberg. Wagner served at Tulpehocken three years, and at other places afterwards. Furthermore, the Halle institution sent to Mühlenberg in 1744 an assistant, Rev. Peter Brunnholtz, ordained at Stolberg. Mühlenberg and he soon divided the district, the former taking New Hanover and New Providence, and the latter Philadelphia and Germantown. A larger church at the last named place was built in 1746.

The Lutheran congregation at Lancaster had besought the Archbishop of Upsala in Sweden to send a Pastor. The Archbishop finally ordained as such Laurents Thorstansen Nyberg, who arrived in 1744, having had, it was alleged, interviews with the Moravians in London on the way, but, to allay suspicion of being influenced, having carefully avoided the ship on which Spangenberg returned to Pennsylvania.

Jacobs's *History* says that Peter Kock of the Swedish Church, and Henry Schleydorn of the German, projected a union of the Swedish and German Lutherans, and succeeded in having a conference held at Gloria

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Dei Church in May, 1744: but Nyberg insisted upon including the Moravians, because they subscribed the Augsburg Confession. Mühlenberg objected. Then, when the question of the church usages came up, Naesman, the Swedish Pastor, insisted upon the Swedish liturgy being adopted by all, because the Swedish was the original Lutheran Church on the Delaware. The objection of the Germans to this became an obstacle. Kock had the union so much at heart that he determined to have Naesman called back to Sweden, but did not accomplish it before Mühlenberg, in 1748, started his own Synod.

After creating considerable enthusiasm as a preacher, Nyberg began to diverge very much from the theological attitude of the Swedish Church, and of such a Pietistic Lutheran as Mühlenberg, ridiculing certain main doctrines, and to talk in a way, which, as described, we are surprised to find acceptable to the Moravians, for Mühlenberg speaks of him as mutilating the holy doctrine of Christ's person, nature, offices, &c.

For a while there was conformity to the arrangement for an annual conference of the Congregation of God in the Spirit. Spangenberg, after returning, began holding such Synods every three months, the Lutheran Consistory started by Zinzendorf and a Reformed Collegium also sometimes sitting. In 1745, Nyberg joined the Congregation, and also married a Moravian.

In December, 1745, the conference of the Congregation of God in the Spirit met in Lancaster. Some of Nyberg's deacons begged him not to participate, but he not only did so, but was instrumental in procuring quarters for those attending, and in obtaining from Justice Smout the court house for the sessions. Some of the populace threw mud and stones at Spangenberg, when he began to preach. One person, it is said, who had his pockets full of stones for that purpose, was so much impressed with Spangenberg's prayer, as not

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only to desist, but afterwards to confess, and to become a follower. On the following Sunday, a number of the Lutherans opposed the entrance of Nyberg into his church. He got in by force, and preached, "after the doors were locked." Afterwards the opposition party petitioned the Governor, who ordered the church closed. On Nyberg declaring that he was a genuine Lutheran, and liable only to the Archbishop in Sweden, the Governor ordered the church opened for him; and then, he being allowed to preach Sunday mornings, those opposed to him met in the afternoons, but they, not succeeding in holding morning service on a certain festival, nailed up the door. Subsequently Nyberg preached in the town hall, until a certain Justice—Smout?—turned against him. A civil proceeding against Nyberg's opposers resulted in their acquittal. Mühlenberg went to Lancaster, and, despite fears of disorder, preached in the church. The minister at Gloria Dei opposed the tendencies of Nyberg, and for a while took charge of the church. Nyberg, who, by the withdrawal of Justice Smout's favor, lost permission to preach in the court house, started a new church. Its call to him contained a clause that he might associate with the Moravians at Bethlehem, and attend the Synod. Rev. Johann Friedrich Handschuh, ordained by the Consistory of Altenburg, coming to work where Mühlenberg should send him, was appointed to the older church, and arrived there in May, 1748. Those who proceeded against Nyberg won a complete victory in Sweden: the Archbishop of Upsala revoked Nyberg's commission, and deposed him. He removed to Bethlehem, and was received formally into the Moravian Church on Aug. 13, 1748.

Bp. Spangenberg having in 1745 obtained the permission of the Iroquois Council at Onondaga, the Moravians removed their Indian converts from Shekomeko to a tract near the mouth of the Mahoning Creek,

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west of the Lehigh, commencing there in the Spring of 1746 a village called Gnadenhütten, or Huts of Grace. The teacher appointed for the place on July 24 was the before mentioned Indian convert Tschoop.

With all Mühlenberg's success among the Lutherans, aided, as it was, by his marrying a daughter of so important a German as Conrad Weiser, the collapse of Zinzendorf's Union in Pennsylvania, or, rather, the restriction of the Congregation of God in the Spirit to those willing to be called Moravians, was largely the work of the other great Protestant denomination of Continental Europe, the Reformed.

Rev. Michael Schlatter, born July 14, 1716, at St. Gall, Switzerland, and apparently ordained in that country, was sent to Pennsylvania in 1746 by the Synod of Holland, under instructions to organize churches where none existed, to ordain elders and deacons, also to combine scattered congregations, to gather the ministers into a governing Coetus, or Synod, to see that salaries were paid, and to report to Holland, besides preaching for the pastors who should invite him. Shortly after arriving, he undertook the Pastorate of Philadelphia and Germantown, leaving to Boehm that of Falkner Swamp, Providence, and Whitpain, and brought about peace between Boehm, Weiss (who had Old and New Goshenhoppen, Great Swamp), and Rieger (who had Schaeffer's Church and Earltown in Conestoga). Schlatter and these three ministers and the delegates from their and his own and eight other congregations, made up the first Coetus, which convened in Philadelphia on Sep. 29, 1747. Lischy, organizer under the Moravians of Reformed congregations in Lancaster and York Counties, and ordained by Bishop Nitschmann, had asked to be allowed to join: his case was referred to Holland, and he was admitted to a later Coetus.

The establishment of the Coetus brought about the

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dissolution of the Reformed Tropus of the Congregation of God in the Spirit. The ministers as a rule and most of the people joined the Moravians, while some found their way back to the congregations united with the Church of Holland. The Reformed Collegium ceasing to exist, the Synod of the Congregation which met on Oct. 23, 1748 (N. S.), became the first Synod of the Moravians, although for some years afterwards a few Lutheran and Reformed ministers continued to attend.

In 1748, a Lutheran Ministerium was organized by Mühlenberg. The Swedish Provost, Sandin, as well as Hartwig, a German missionary in New York, were present, but rather as guests. Naesman seems to have stayed away, although making a prayer at the consecration, a few hours before, of St. Michael's Church, Philadelphia, where the meeting was held. The Swedish Provost, perhaps as the only man authorized by home authority to ordain, ordained John Nicholas Kurtz as Pastor of Tulpehocken. Hartwig, Mühlenberg, Brunnholtz, and Handschuh united in the laying on of hands. Stoever and Wagner were not asked to join the Ministerium, and, in fact, when it first met, it was composed of only Mühlenberg, Brunnholtz, and Handschuh, sent over by the Halle divines as Pastors, and Kurtz, sent over by them as a catechist, and promoted to Pastor. The justification for these conservative Pietists keeping to themselves appears to have been in the fact that the other ordained German preachers were subject to no consistory. Mühlenberg and his coadjutors were not starting a union of true believers or a tribunal, but merely a conference of missionaries, who could not bind their fellows, but were each responsible to the consistory sending him. A Synod was formed with twenty-four lay delegates representing congregations at Germantown, New Providence, New Hanover, Upper Milford, Saccum, Tulpehocken, Nordkill, Lancaster, and Earltown, besides the members of the church council

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of Philadelphia. The congregation at York sent a letter regretting absence, owing to the shortness of notice. All these congregations had come by this time into union one with another, so that the body was in fact made up of the United Pastors and United Congregations, together with Peter Kock, a member of the Swedish Church. There was no vote taken in the Synod. Convened annually, its last meeting was in 1754.

Zinzendorf, enlisting the kindness, sympathy, or qualified approbation of kings, nobles, and statesmen, of Abp. Potter and bishops, and of university professors, triumphed over the jealousy and criticism of fellow theologians and the repulsion caused by his stirring up of religious excitement, his strange expressions, and his vehement language. He had been banished from Saxony in 1736: his banishment ceased in 1746. The British Parliament, in 1749, in the Act of 22 Geo. II, c. 30, recited that the Unitas Fratrum was "an ancient Protestant Episcopal Church," and that the settling of such people in America would be beneficial to the colonies. Accordingly the same Act relieved the members who scrupled to take an oath by allowing them in all civil cases in the British Isles and America to "declare in the presence of Almighty God, the witness of the truth of what I say," and also relieved the members in the colonies from military service on paying the tax in lieu thereof. The legislation, to be sure, was superfluous for Pennsylvania.

Zinzendorf died at Herrnhut on May 9, 1760, having lived to know of thousands of heathen converted through his agency. He left no sons but only three daughters surviving him; of these, Benigna, or Henrietta Benigna Justina, married Johannes Langguth, otherwise known as Baron John von Watteville, having been adopted by Baron Friedrich von Watteville. Baron John was also a Moravian Bishop.

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CHAPTER XXVI.

The War of the Austrian Succession.

Characteristics of Lt. Gov. Thomas and the Assemblymen — A pest house for immigrants — Election law—Riot of 1742—"The Healing Assembly"—Naturalization—The Six Nations' visit in 1742—Their decision against the Delawares at the Forks—Maryland and Virginia express willingness to conciliate the Six Nations — Kinsey appointed Chief Justice—Privateering—Relations with France—The "Pragmatic Sanction"—War declared—The Assembly's change of policy as to Thomas's salary—Warlike measures of Thomas and others—Indian affairs—Treaty of Lancaster in 1744—Movement of Pascatoways—Assembly again declines to pass militia law, but agrees to support prisoners—Bill in Parliament to prevent colonial paper currency from being legal tender—The taking of Louisbourg, Cape Breton—The Assembly votes 4000*l.* for the King's use, to be spent in foodstuffs—Gunpowder sent as "grain"—Thomas advances his own money for raising troops, and for clothing—Pennsylvania's treasury empty —The Shawnees—The Six Nations consider the "Balance of Power"—The meeting at Albany in 1745—The Assembly of Pennsylvania still not biddable—An expedition ordered against Canada —The Assembly, to raise money for the King's use, proposes large issue of paper currency loaned on mortgage, but Thomas refuses to violate instructions, and receives only 5000*l.*—The experiences of the Pennsylvania troops in the expedition.

That George Thomas was impetuous, changeable, and impatient, has been already indicated: his diffi-

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culties were increased by his recurring in messages to the Assembly to disputes which might have passed out of mind, and by his attacking in revenge the propriety of former votes on other matters. Rather contemptuous of the representatives of the freemen, he may be supposed also to have annoyed them by his sarcasm. He gave them a more serious and alarming grievance. Exasperated by their attitude, and deeming himself the servant of England, he wrote to the Lords for Trade, that, so long as the Assembly should be composed of "a set of people who oppose all preparations for defence, the Province will remain exposed to any enemy that shall think fit to invade it," and, further, that the servants whose enlistment was objected to were enabling the inhabitants to carry on manufactures directly interfering with those of Britain. When his having so written became known in Pennsylvania, he was naturally looked upon as a betrayer, endeavoring to undermine the privileges and interests of the People. His personal relations with the Assemblymen, apart from the contention as to public affairs, he made disagreeable. On Oct. 15, 1741, when Kinsey was again presented as Speaker, and this time said that he had decided not to ask to be excused, the acting Governor broke out in rude language, and with such a manner as the representatives the next day voted to have been unparliamentary, menacing, and tending to destroy the necessary freedom of access. Having obtained Thomas Penn's consent before embarkation, Penn being oblivious of Kinsey's usefulness to the Proprietaries in some lawsuits, the Lieutenant-Governor on the 16th sent a messenger to Kinsey, demanding his resignation as Attorney-General. Kinsey had been holding that office some years upon a commission giving tenure during good behavior, but had promised the Lieutenant-Governor, so the latter said, not to insist upon the tenure, if he might wish him to resign. Kinsey's first

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answer was that he would think over the matter, but he was obliged to relinquish, and Tench Francis, lately from Maryland, son of the Dean of Lismore, Ireland, was appointed.

It must be recognized that the members of the House in Thomas's time were not sweet religionists refusing only to disobey God, but were obstructionists, as has been shown natural in a Quaker community politically (pages 186 and 187), and as may also be deemed involved in that eternal vigilance which is the price of liberty. Despotism is so soon established over a population with the lovable traits of gratitude, hero-worship, and financial generosity that liberty may be said to require for its cultivation the black soil of jealousy, suspicion, and fault-finding. The laudable desire of the Assemblymen to keep the expenditure within the ordinary revenue, and to maintain popular or individual rights, led in matters which had nothing to do with religious principles to niggardliness, captiousness, and insult to the Lieutenant-Governor. The salary, or allowance, to him was long withheld: although 500*l.* were voted in 1740, there was an arrearage in the Autumn of 1741 of 1500*l.*, measured by the appropriation of 1000*l.* per annum to Keith and Gordon. This saving may, however, be justified as political policy, to punish for disloyalty to the People's interest: but such justification cannot be made to cover the whole course of the majority. A wise suggestion by Thomas in 1738 to establish a "pest house," or hospital, for the care of immigrants with contagious diseases, had been laid aside, as then beyond the public means, so that the only course that could be taken for the health of the inhabitants of the ports was by virtue of the law of 1700 and 1701, requiring a vessel with sickly persons from a sickly place to discharge one mile from the port, and not to come nearer without license from the Governor and Council, in the case of Philadelphia, or from two County

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magistrates, in the case of other ports or Counties, the Governor and Council to provide for the reception of sick persons disembarking. The Governor detained the vessels until lodgings were obtained in houses in the country. The inspection of the vessels was made for more than twenty-two years prior to August, 1740, by Dr. Græme, some time a Councillor. Græme's bill presented in August, 1740, of 9*l.* 16*s.* for inspecting and reporting upon seven vessels, was objected to as not specific; so he asked the Governor to excuse him from further service; but, in the course of the next twelve months, Dr. Lloyd Zachary and Dr. Thomas Bond having at first declined the disagreeable work, but afterwards performing it, when they could go together, Græme, at the importunity of a Councillor when Gov. Thomas was out of town, visited six vessels. A pestilence having broken out, the House on Aug. 22, 1741, undertook to appoint Dr. Zachary as the person to inspect the vessels for Philadelphia, when directed by the Governor and Council, or when, on their default, directed by any two Justices of the City or County of Philadelphia. The Councillors, as ready as the Assemblymen to obstruct business, even in a crisis, started a controversy by resolving that only the Governor, and not the Assembly nor any magistrates, could authorize a person to go upon a vessel, and to inspect passengers and seamen. When Græme had presented a bill of 8*l.* 8*s.* for his later work, the Assembly cut down the total of both bills to 10*l.* The confinement aboard the ships at anchor of Germans who were suffering with diseases contracted in a long voyage, led some of the most substantial German residents to urge, in a petition to the Lieutenant-Governor, the erection of the pest house. When, in January, 1741-2, he again suggested it to the Assembly, the answer, while promising consideration of the matter, spoke of the heavy expenses since the suggestion in 1738, and expressed the opinion that the

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pestilence might have been prevented by a due execution of the laws. When he remarked, that, against the unusual expenses, they had saved so much of his salary, they spoke of the perquisites which he had received, estimating them at nearly 1000*l.* per annum, and saying "some of which he hath no right to." The latter clause they limited afterwards to the fines, the same being required by an Act of Assembly to be paid to the Provincial Treasurer; but from fines and forfeitures, Thomas said that he had not received what amounted to 10*l.* for each year; for they had generally been incurred by necessitous people, and he had always had humanity enough to remit the sums rather than see such persons languish in jail. The fees taken by the Secretary for his use were the same as for twenty years past. Thomas declared that he had refused fees not in the list furnished him by Gordon's Secretary, and had not directly or indirectly accepted anything as a gratuity or otherwise for charters, commissions, or offices of profit, although money had been offered, and the example of other Governors urged for its acceptance! Thomas acknowledged his perquisites from the Province to have averaged between 600*l.* and 700*l.* a year, and contrasted this with the salary and perquisites received by Keith and Gordon.

Thomas held under consideration two bills sent from the Assembly while he was vindicating himself, and on Aug. 17, 1742, said that he was not required to give his sentiments on the bills until the House had restored his "liberty of action" by making the usual allowance for his support for the two years past.

A committee to see what could be done about the proposed pest house, or hospital, was appointed on the same day as the date of the aforesaid answer on the subject. Fisher's Island, at the mouth of the Schuylkill, containing about 342 acres, was bought by the committee, title being taken by Joseph Harvey, Thomas

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Tatnall, Joseph Trotter, James Morris, and Oswald Peel to the uses to be appointed by the Assembly. The purchase was approved on 3, 19, 1742, and, about a year later, when Thomas and the Assembly had come to better terms, an Act was passed regulating the trust, providing that the island be thenceforth called Province Island, and reserving 6 acres for the erection of the hospital.

Elections during a long period were held at the court houses of the respective counties, and, although conducted by the Sheriff, were under the control of inspectors, any one of whom, under the Act of 1705, could require a person offering to vote for Assemblyman or for nominee for Sheriff or Coroner to affirm as to age, property, residence, &ct., but any one of which inspectors, under the Act of 1727, could by vouching for a voter admit him to vote. Before the Act of May 19, 1739, on the subject, the inspectors were chosen by a majority of the voters present, when, on election day, this preliminary was taking place. Such method invited disorder, gave the chance for unqualified persons to participate in the selection, and had resulted at times in most or all of the inspectors being residents of the same part of the county, and unacquainted with the residents of other parts. So the Act of 1739 provided that the names of one inspector from each of the eight districts into which a county was to be divided, and of four inspectors from the city of Philadelphia, were to be drawn by lot from those chosen, some days before the annual election, by the voters of the townships or wards composing said districts or city. This law expired before the election of 1742, leaving it to be held under the old law.

The advocates of defending the colony planned to change the Assembly at this election, particularly to substitute William Allen for Isaac Norris as a member for Philadelphia County. The country people, British

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and German, qualified voters and others, coming into town, there seemed a probability that the opponents of taxation, with their number increased by unnaturalized Germans, would crowd early to the court house, 2nd and Market, and name the inspectors, although there had been some Germans of the distant parts induced to come by Proprietary employees, and, according to Israel Pemberton Jr.'s testimony before the Assembly, forty-eight unnaturalized tenants on McCall's Manor had pledged themselves in writing, at the instance of a landlord, to attend on the war party's side. Men from privateers had, in 1740, threatened to interfere with the election, but had been dispersed by Hamilton, as Recorder of the City, meeting them himself alone. Hamilton had died on Aug. 4, 1741. With the changes which had put the Attorney-Generalship and the City Corporation in the hands of the Lieutenant-Governor's followers, Allen, the candidate, was now Recorder, and Councillor Plumsted, old and in bad health, was the outgoing Mayor, and they and a majority of the Aldermen, intrusted with the peace of the City, might be expected to be more acquiescent than Hamilton had been. So it appears that several days ahead of this election, the sailors in port were secured to overawe the Quakers. We cannot believe George Thomas privy to the design to use violence, or even to intimidate. The excitement in public feeling sufficiently explains the suggestion, with which Hockley credited the Lieutenant-Governor (*Penna. Mag.*, Vol. XXVIII), that certain persons be agreed upon beforehand to be chosen as inspectors. This proposition in the definite form of four from each side, the eight, it would appear, being named, was carried by some of Allen's friends to certain of the other side, but was rejected. It was resolved, probably at the large meeting of Norris's friends, however, that no one of that side should come to the polling place with a cane, stick, or whip. Early in the morning of election day,

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the sailors, of whom very few were actual residents of the province, began to congregate on certain wharves, and thence started parading, one group passing the Mayor's door, but unarmed, and of professedly peaceable intention, a small group meeting the Sheriff, who forced the surrender of the sticks carried, a larger body being armed with clubs. When the heads of the City magistracy were besought by citizens to disperse these dangerous forces, the reply was almost a justification of the sailors, declaring the refusal to agree upon inspectors responsible for any disorder, and speaking of villains who usually crowded the stairs. All that was secured was a few mild expostulations with a passing crowd, and a proclamation by the Mayor commanding the keeping of the peace. The sailors proceeded to the inn called the Indian King under the direction of sea captains Redmond and Mitchell, and had drinks there. Mitchell, brandishing a cudgel, met old Israel Pemberton in the street, and tried to strike him, but was prevented by bystanders, who took away the stick, and Mitchell's hat fell off. He rushed away swearing, while old Pemberton, having picked up the hat, went after him, and gave it to him. Israel Pemberton Jr. and others followed to arrest Mitchell, when they were interrupted and sworn at by Allen's partner, Alderman Turner, who attempted to strike with his stick, while Mitchell threw a stone. Old Pemberton took away Turner's stick, telling him that he should not have it until he knew better how to use it, and keeping it until Turner had cooled down. Influence was exerted successfully by the Old Assembly Party upon the Germans to give no provocation to the other side, and steps were taken to have such as were not naturalized leave the vicinity of the voting, it having been claimed, in justification of the sailors, that they had "as good a right to be there as the unnaturalized Dutchmen." The voters began to choose the inspectors at 10 o'clock, and Allen was the first put up for in-

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spector, and was defeated. Norris had been put up,—strange that a candidate could serve in that capacity!—when the sailors with others not entitled to the franchise, amounting to a good sized mob, pretty well armed with pieces of wood, which they flourished, one man having a cutlass, came from opposite Christ Church by way of the Jersey market toward the polling place. Captain Redmond, who was not entitled to a vote, was among them and calling out directions to Sheriff John Hyatt about the election. The Sheriff came down the stairs, and he and Councillor Lawrence, who was an Alderman, urged the rioters to retire, as strangers who had no right. They refused, and, when the constables were called in, struck blows, breaking the staves of the constables, and wounding several of the inhabitants, among them Alderman Anthony Morris and sea captain Thomas Lloyd (grandson of former Lieutenant-Governor of that name). The resistance being strong enough to cause the mob's retirement, the voters inside the court room proceeded with the election of the inspectors, and those supported by the friends of Norris were chosen. After the voting for Assemblymen began, the sailors again advanced to 2nd and Market, and, although induced to retire, made a third advance, throwing stones and using clubs, and wounded some voters, and drove others away, until the streets and moreover the court house steps were cleared of everybody but themselves, they crying "Down with the plain clothes and broad brims." In the course of the day, old Councillor Preston's life would have been taken, had not the blow intended for him been intercepted by Captain Henry Hodge, who received considerable hurt. All the windows of the court house were broken. However, the Germans and some country people and others, who, if Quakers, could claim in justification that they were assisting certain magistrates, sought for guns, but, failing to get any, got clubs, and attacked the sailors, who,

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feeling that the whole town had risen against them, fled, but were pursued. Some reached the ships, but about fifty, including Redmond and Mitchell, were captured, and lodged in jail. The non-Quaker partisans had overreached themselves: many persons who had been inclined to Allen struck his name off the ticket, and Norris and those who had been serving with him were reelected. In the delegations from the other counties, there was scarcely any change.

The riot was investigated by the Assembly, the evidence being printed with the *Votes of Assembly* as published by Franklin; and the House by a series of resolutions thanked Lawrence, Griffitts, Preston, Anthony Morris, and Ralph Assheton for the service done to their "King and Country in suppressing the said Riot." Proceedings in the matter having begun in the City Court, and the majority of the Assembly not being willing for magistrates on the same side as the rioters, and perhaps their instigators, to smother the truth, the Assembly addressed the Lieutenant-Governor, reflecting upon the Mayor and Recorder for neglect of duty, and asking that the Judges of the Supreme Court interpose, and take cognizance in a court of Oyer and Terminer to be summoned for that purpose. Naturally the Councillors did not wish the truth to be made public, and the provisions of the Charter of the City and of the Act establishing courts of justice favored them. The Mayor's Court could hear and determine all cases of riot, unless upon legal application the Supreme Court issued the ordinary restrictive and mandatory writs, and the Judges of the Supreme Court had no original cognizance of crimes less than capital. Upon obtaining the opinion of Attorney-General Francis, the Councillors, including Lawrence, unanimously thought that the Governor could not remove the case from the City magistrates, a position which Kinsey combated in a lengthy opinion, to be found in the *Votes*. What the Mayor's

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Court, Councillor Till having become Mayor, did in the matter of the rioters, is not known.

The Quakers in the Assembly gave to a religious observance of other Christians a recognition or accommodation, to which reformers have not been prone, and which perhaps, indeed, these could not help giving. On the day of receiving the Lieutenant-Governor's refusal to interfere with the City Court, the House decided to adjourn until the 20th of December, and asked him if he had any objections. He pointed out that such a date might interfere with the holidays, "which being observed by the Church as a time of religious worship," he could not then join in any business, and he suggested the beginning of January as more suitable. The Quaker Assembly then unanimously voted to adjourn to the 3rd of January, or Eleventh Month, as the motion called it.

The Assembly and the Lieutenant-Governor were obliged to come to an accommodation. Thomas, who had spent in four years 1000*l.* more in keeping up the dignity of his office than he had received from both the Province and Territories, reminded the representatives of the Province on Jany. 8 that it was then more than two years since a Pennsylvania Assembly had made any appropriation for him. He expressed confidence that they would so act as to deserve the name which the hopes of all good men had designed for them, the "Healing Assembly." They replied on Jany. 11, that, when he passed the bills, they would make such provision for his support as would show their desire to become such an Assembly. One bill seemed to promise a continuance of the dead-lock: it gave to the heirs, devisees, and assigns of unnaturalized persons a right to the lands bought by the latter, instead of letting such lands escheat to the Proprietaries. This piece of justice, for the incorporating of which in public law the Proprietaries had not given consent, their Lieutenant-

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Governor vetoed, calling attention to the fact that they had not taken advantage of their right by escheat, probably meaning when the heirs were known, or the land had been assigned. After agreement upon amendments to other bills, he, on February 3, enacted a number, including the one as to the pest house, and received the Assembly's orders for 1500*l.*

One of the Acts restored for three years the method of 1739 for choosing inspectors of election; a duty of 5*l.* was imposed upon every convicted felon brought into the province, but this was repealed by the Crown; there were temporary provisions made for the recovery of small debts and legacies. An Act of Parliament of 13 Geo. II, c. 7, extended the status of natural born subjects to all persons born out of the King's ligeance, but having resided in any of the British colonies in America for seven years without absence for more than two months, who should take the oaths, and subscribe the declaration in the Act of George I for the security of the King's person and government, or, being Quakers, make the declaration of fidelity, and affirm the effect of the abjuration oath, and make the profession of Christian belief prescribed in Act of 1 W. & M., all but Quakers and Jews being required to receive the sacrament in some Protestant congregation within three months before taking the oath. Under this law, a number of persons, whose names were forwarded to the Lords for Trade, were naturalized. The legislative power of Pennsylvania on Feb. 3 aforesaid gave to all Protestants conscientiously refusing to take an oath the exemption allowed to Quakers by the Act of Parliament.

There had been one subject on which Thomas and the Assembly since the threat of foreign war had been on good terms, viz: the Indians. Although it had been arranged for the Proprietaries to pay the Six Nations in May, 1741, for the land west of the Susquehanna

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embraced in the deed of Oct. 11, 1736, the chiefs did not come for the goods until the Summer of 1742, when there had been such a famine among the Senecas that a father had killed two of his children, in order to cut down his family to the number that he had food for. No Seneca could leave home, and the share for that nation was to be brought back by the visitors from the other nations. In the series of interviews which took place in the first fortnight of July at Stenton, or at the Proprietary's house, or in the Great Meeting House in Philadelphia, the first proceeding was a noteworthy exhibition of good faith by the Indians. Cresap had induced some of the young warriors, ignorant of public business, to sell to him two plantations on the Cohongoronta River for five strouds, three of which had been taken by the warriors' companions. The Six Nations had taken possession of the two strouds brought home by the warriors, and had rebuked the latter for violating the engagement not to sell land to anybody but the Penns. The strouds were now brought, to be returned to Cresap in repudiation of the bargain. There was also an assurance given that the Six Nations would help the English in any war with France, although the Governor of Canada had told the Six Nations that he was sharpening the hatchet, and was hoping for their neutrality, in case he were obliged to fight the English. Receiving the goods for the land west of the Susquehanna, and acknowledging them to be the full quantity agreed upon, the Indians spoke of how little would be the share of each Indian entitled, and expressed a belief, that, had the Proprietary himself been there, he would have given more; and they asked the officials present, if they had the keys of his chest, to open it, and take out a little. The Indians spoke of how well they were aware, that, while the goods were soon worn out, the land was everlasting, and had become valuable. In future, no sales should be made unless Brother Onas

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(Thomas Penn) were in the country, and the quantity of goods to be received were known beforehand. Moreover, it was complained that the Indians were ill used as to lands unsold: white persons daily settled on them, and spoiled the hunting; whereas the whites had no right north of the Kittatinny Mountains, there were some on the Juniata River, and on the Susquehanna as far up as Mahaniay (Mahanoy). It was insisted that such settlers be removed. The Six Nations wished also satisfaction from the people south of Pennsylvania, who had taken land on the west side of the Susquehanna, land which belonged to the Six Nations by conquest in fair war. The lord of the people there, must pay: if he would promise through the government of Pennsylvania to do so, the Six Nations would treat with him, if not, they would go, and get justice. Lieutenant-Governor Thomas, in regard to the amount of goods paid over, reminded the Six Nations of an agreement, that, on account of the land on the west side of the river being less valuable, less goods should be paid for it than for that on the east side; and he then pointed out that the Proprietary had waived this, and had done the Indians the favor of paying them as much as for that on the east side. The Councillors thought that the government had better give the Indians a present worth between 300*l.* and 500*l.*, and consulted with Kinsey, and, through him, with the Assemblymen in town. The latter generally agreed to a present, and Kinsey fixed the amount at 300*l.*

Sassoonan and other Delawares from about Shamokin, and Nootamis and other Delawares from what was then Bucks County, came with the other Indians to a meeting on July 9. Then Thomas brought before the Six Nations the so-called "insolence" and ill manners of the branch of the Delawares affected by the Walking Purchase in their letters to the magistrates. He said that he was loath to punish them as they deserved, but

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expected the Six Nations to cause them to remove from the lands at the Forks of the Delaware, and to give no further disturbance to the persons in possession. It must be remembered, that, before Thomas's arrival in Pennsylvania, these Indians, on agreeing to have the walk for the Walking Purchase made, received assurance that they would not be obliged to move away. How far Thomas exceeded the orders of Penn, how far any white man who knew of this promise justified the breaking of it by the idea that the Indians had forfeited their privilege by their "insolence," is not known. The presents worth 300*l.* were given to the Six Nations on July 10: on the 12th, the speaker for them, Canassatego, an Onondaga, gave their decision, viz: that the Delawares at the Forks were altogether wrong, and should remove across the river, and quit claim all lands on the Pennsylvania side of it. Then, turning to the Delawares, he berated them, told them that they ought to be taken by the hair of the head, and shaken severely until sober, that the Penns' case was very just, that, in fact, the Delawares who released the land had no right to sell land at all, they having been conquered by the Six Nations, and made women, that the late sales had been in the dark, without the Six Nations' knowledge, that the Delawares had their ears open to slanderous reports against the Penns, and that the Delawares must remove instantly across the river, or to either Wyoming or Shamokin. Then, giving them a string of wampum to forbid them and their latest posterity from ever selling land or meddling with land affairs, he dismissed them from the meeting.

He made a final speech to Governor Thomas and his Council. Expressing grief that the Indians, calling on their way at their old friend James Logan's, found him "hid in the bushes," and retired through infirmities from public business, Canassatego, in gratitude for Logan's services and his coming to this meeting, gave

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him a bundle of skins. Making the usual request that the traders sell their goods cheaper, giving more in value for deer skins, which were just as scarce as the goods, Canassatego complained: "We have been stinted in the article of rum in town. We desire you to open the rum bottle, and give it to us in greater abundance on the road." He apologized for staying so long as to dirty the houses, owing to the different mode of living from that of white persons, and he complimented Conrad Weiser, the interpreter, speaking of the Six Nations having adopted him, and put him in their Council, so that he was in two equal parts, and of his having worn out his shoes, and dirtied his clothes, so that he was "as nasty as an Indian."

The settlements on the Susquehanna complained of, were encroachments made without authority from the Proprietaries, who had restrained their land agents from issuing warrants or licenses for land in the basin of that river west of the Blue Mountains. To enforce the request of the Six Nations, Governor Thomas issued a proclamation on Oct. 5, 1742, requiring the intruders at Juniata and elsewhere in that region to remove by the following May.

One of the Delawares of the Forks ordered to leave their homes was Titami, or Tatemy, who had received an allotment from the Proprietaries of 300 acres (near Stockertown, Northampton County). He and Captain John, who expressed a desire to buy some land, and several others of the tribe in that neighbourhood petitioned the Governor, that, as they had become Christians, and were desirous of living under the same laws with the English, a residence might be allowed for that purpose. The Councillors deemed the announcement of conversion a mere pretence to avoid being expelled. The Lieutenant-Governor in the presence of the Board, on Nov. 20, examined Tatemy and Captain John as to their knowledge of Christianity; and the minute says

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that they appeared to have very little, if any at all. We wish there had been a dictograph or a stenographer to tell us their answers. It has been mentioned in the preceding chapter that Tatemy was baptized about three years later by Brainerd. In view of former good behavior, Tatemy and Captain John and their own families, but no others, were allowed, subject to approval by the Six Nations, to stay within the limits of the Proprietaries' acquisition, Captain John removing however from the land where he lived, which had been granted by the Proprietaries to purchasers. The Six Nations appear to have consented to the relief from their orders.

Logan had, after the meeting in 1736, written to the Governor of Maryland in regard to making satisfaction to the Six Nations for the lands which they declared to have been theirs by conquest, but which were occupied by Marylanders. The claim doubtless was deemed preposterous, and no reply was made. When, however, in July, 1742, the Six Nations spoke so determinedly on the subject, Lieutenant-Governor Thomas hastened to inform the Governor of Maryland, and to refer to the absolute authority of the Six Nations over all the Indians on the borders of that and adjacent provinces, and to the advantages of strict friendship in the likelihood of a clash between Great Britain and France. The Marylanders had elicited from some Nanticokes that the object of the visit of twenty-three Shawnees to the Nanticokes of that province in May, 1742, was to unite the Shawnees, Senecas (perhaps meaning all the Six Nations), and the Maryland Indians in a league, the cooperation of the French being counted upon, to cut off the English inhabitants of Maryland and Pennsylvania. Probably this design, of which the Six Nations afterwards disclaimed all knowledge, helped to convince the Marylanders of the necessity of treating with the Six Nations; so an answer expressing willingness to

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do so was sent to the Pennsylvania government for transmission.

Against Virginia also, the Six Nations were nursing a claim, because, by crossing the Blue Ridge, her settlers had taken lands of four tribes which the Five Nations had conquered. There happened an additional matter for adjustment, a fight in which several on both sides were killed, between a troop of Virginia horsemen and a war party of the Six Nations going against the Catawbas. It took place in the neighbourhood of the Shenandoah River in Virginia, and the explanation which was current at Lancaster, Pennsylvania, was that the Indians had been killing cattle and hogs for food, and began the fight, notwithstanding the Virginia captain had raised a white flag, and asked for a parley. With the story that the Virginians had fired first, messengers from the war party were sent back to the Six Nations, and communicated the news to the Shawnees living on Big Island and the town near by on the South Branch of the Susquehanna. Thomas McKee, a trader, left the town upon report that his being allowed to live was in debate. Thus a war seemed about to break out between the Iroquois, heartily supported by the Shawnees, in fact between most of the northern Indians and both Maryland and Virginia, with the chances of spreading to the frontiers of Pennsylvania, particularly if the settlers there obeyed the order against furnishing food to Indians on the war path.

The Lieutenant-Governor of Pennsylvania at this juncture hastened to express sorrow for the "accident," as both he and the Assembly called the battle, and to assure the Six Nations, the Shawnees, and all Indians in alliance with his colony that it would preserve peace with them, until they broke it. He was duly accepted as the mediator between Virginia and the Six Nations, the latter ordering the Shawnees to keep quiet, and themselves suspending hostilities while Weiser, as

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proxy for the Governor of Virginia, went to the Six Nations at the Long House, and "took the hatchets out of their heads and washed off the blood and dressed the wound." The necessity for Virginia officials to go to Albany in the Summer of 1743 was obviated by a present from Virginia of goods worth £100 sterling, and a promise to treat as to the lands in dispute.

The death of Jeremiah Langhorne about the last of September, 1742, left vacant the Chief Justiceship of the Supreme Court. John Penn, quite fertile in expedients, directed that Kinsey, whose familiarity with the jurisprudence of the Province was given as a reason, be appointed, and this appointment, the effect of which could not be other than cementing harmony, was made on April 5, 1743, Thomas speaking of the very great advantage of having one of the legal profession preside over the Supreme Court. The medical practitioner Græme was recommissioned as second Justice; and, Griffitts having resigned, Till was made third Justice.

Although the Assembly had refused to promote the sending out of men to fight at sea, private enterprise, availing itself of the King's offer of letters of marque, carried on warfare upon Spanish privateering, and made depredations upon Spanish commerce. Scharf and Westcott's *History of Philadelphia* tells of the prowess of Lieutenant John Sibbald and his men in the "George," Sibbald being presented with a sword on his return from one of the trips; and the *History* tells also of the dearly bought victory of Captain Neate in the "Dursley Galley," and of the successful cruises of other boats, among them the large ship "Wilmington" under the command of Sibbald. In turn, the Spanish deprived Philadelphia of many cargoes intended for her.

Events were meanwhile leading to a war with France. France had, in 1740, sent a squadron to the Caribbean Sea, to give, if necessary, support to the Spaniards, and

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had secretly authorized the commander to concert measures with them for attacking one of the British possessions, although explaining, that, in sending the squadron, there was no intention to make a breach of relations. Upon the death of the Emperor Carl VI, without sons, arose the question of the succession to his possessions as Archduke of Austria, which succession he had undertaken to settle by the Pragmatic Sanction. This agreement, to which England, Spain, France, and nearly every other power in Europe had assented, had given the possessions to his daughter, Maria Theresa, who married Franz of Lorraine. The French King, Louis XV, however, was in close alliance with the Elector of Bavaria, who was the rival claimant and a candidate for election to the Imperial throne. England, fearing the predominance of the French nation in Europe, if he were successful, stood by the Pragmatic Sanction, and wished to see its natural result, the election of Maria Theresa's husband as Emperor. The King of France sent armies to attack Maria Theresa, and interfered with the operations of the English fleet in the Mediterranean; and English troops, led by King George II in person, met French troops at Dettingen, and defeated them. War, however, between the two nations was not formally declared for some time afterwards.

In expectation that the King of France would declare war, and in fear of a sudden attack, more particularly by sea, upon the colonies in America, the Lords Justices of England sent to the colonial Governors an order dated August 15, 1743, received about November 1, to put their respective colonies in the best posture of defence. Governor Thomas issued a proclamation for the inhabitants to prepare themselves, and commissioned persons to levy, muster, and train them; but the Assembly, availing itself of news that the prospect for peace was brighter, did not comply with his request for

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a law obliging appearance for military instruction or action, or with his request for providing arms and ammunition. A supplemental letter, dated Sep. 3, came in April, directing that the forces of each colony be put in condition even to take the offensive. Although France had allowed the embarkation from her port of Dunkirk of an expedition in favor of the Pretender, Charles Edward, and had sent a squadron at the same time into the Channel, and only bad weather had rendered this abortive, the Assemblymen, loud in denunciation of the attempt, still hoped for peace. The King of France, however, had already declared war, and the King of England had, on Mch. 29, made the counter declaration.

On May 26, 1744, the Assembly gave Thomas pay for the whole of the current year, 1000*l.*, expressing confidence in him, notwithstanding that there might be some further laws desired before the expiration of the year. Thomas, in appreciative remarks, said that he had ever "disliked bargaining for laws." During the rest of his administration, the Assembly of the Province allowed him at the rate of 1000*l.* per annum.

Notice being received of the British King's declaration of war and his order for distribution of prizes taken at sea, the Lieutenant-Governor, on June 11, gave notice of the same, in a proclamation requiring all the King's subjects within the province capable of bearing arms to provide themselves with firelock, bayonet, and cartouche box, and with powder and ball, also encouraging the fitting out of privateers and service thereon, and also warning against transporting any arms, ammunition, or stores to the subjects of the French King, or holding any correspondence with them. A Captain and two drummers of Dalziel's regiment in Antigua were then recruiting in Philadelphia. Their success is not known. The encouragement of privateering quickly led to several vessels going out with letters of marque.

The great usefulness of the Quaker-controlled Prov-

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ince in the war was in conciliating the Indians, the Six Nations and their allies being able to lead an easy invasion of the British possessions from Canada, and the Southern Indians being able to extend the domain of Florida. Complications increased by the conduct of some Pennsylvanians even on the soil of Penn's "seigniorie." The traders carried spirituous liquors to the Indians, cheated them when they were drunk, if not when they were sober, and often debauched their wives. Upon John Armstrong's retention of a horse and gun for a small debt, John Mussemeelin, a Delaware, owner of the horse and gun, murdered Armstrong and two of his men. After some pressure being put by Shikallima upon the Delawares, some of whom were afraid to meddle with Mussemeelin, and others of whom were afraid of Armstrong's avengers, Mussemeelin was seized and surrendered to the authorities at Lancaster. From thence, he was brought to Philadelphia, and, as one of the results of the Indian treaty about to be mentioned, the Delawares were obliged to bring to Philadelphia two supposed accessories also, and, after their discharge upon examination, to bring them again to testify at Mussemeelin's trial. Jurisdiction was by Act conferred upon the Supreme Court to try capital offences by Indians. Mussemeelin was hung in November, 1744.

In June, 1744, at Lancaster, Pennsylvania, took place the settlement of differences between Maryland, Virginia, and the Six Nations, both Maryland and Virginia having sent Commissioners, and representatives having come from each of the Six Nations except the Mohawks. Thomas, at the urgent request of the Pennsylvania Assembly, was there in person. After arguments, the Indians displaying great eloquence, there was, in consideration of 300*l.* in goods from the Maryland Commissioners, a release by the Six Nations to Lord Baltimore of a large region in the western part of the present state of Maryland, and of any other lands occupied by

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his colonists, and there was, in consideration of 200*l.* in goods and £200 in gold, a release to the King of all lands then or afterwards included in the province of Virginia, the King to be asked to give something more to the Indians upon a considerable extension of the settlements. The Six Nations promised not to allow any invasion of the English colonies by land, it being understood that neither side should be allowed passage. The Six Nations showed willingness for the promotion by the various Governors of peace between them and the Catawbas. When the Indians were informed that the English had already won victories over the French, Canassatego remarked that then much rum must have been captured, and some could be spared to let the Indians join in the rejoicing; at which hint a dram for each of those present was given in a small glass, which was called a "French glass." Canassatego said the next day that he wanted a good sized English glass. Thomas, as will be seen later, was quick-witted. He told the red men, on the big glass being used, that he was glad that Canassatego had a dislike for what was French, and added "They cheat you in your glasses as well as in everything else."

At this time there were some families of the Ganawese, or Conoys, among those Tuscaroras who still lived south of Virginia. These descendants of the ancient Pascatoways were allowed passes to come to dwell with their fellow tribesmen in Pennsylvania. The latter retired this year from Conoy Town, by reason of the white settlement making deer scarce, and went to the Juniata. They asked for some payment for the land which they were leaving: but this request, although repeated five years later, was not complied with.

Thomas, after returning from Lancaster, reported to the Assembly the King's declaration of war against France, and asked for a militia law with "any reasonable indulgence to such as" were "religiously persuaded

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Agent of the colony in London. Thomas, in January, 1744-5, received 500*l.* as part of his support for the current year.

The request of Massachusetts, of which William Shirley was Governor, for aid in the expedition which it was undertaking against Cape Breton, was communicated to the Assembly by Thomas with a favorable recommendation, urging prompt action, but met with the resentment of the legislators. They did not hesitate to show local jealousy in criticising the project, and left their religious scruples to be inferred in the words "other reasons," saying, that, if there were no other reasons, the following were sufficient for refusing, viz: the expedition had been devised, and its plan fixed, without orders from the British Ministry, whose plans might be interfered with, and also without consultation with the other colonies, which, if the undertaking succeeded, would get little of the credit, but, if it failed, would have the principal part of the disgrace; aid from Great Britain was uncertain; aid from the colonies would probably be too late; the attempt was extremely hazardous, and danger from differences among officers equal in authority, with no Commander-in-Chief, was unavoidable; the expense would be great; there might be much bloodshed; and the event was uncertain.

Four months later, the Assembly could not make the excuse of the project being without royal approval. The expedition had reached Cape Breton, and laid siege to Louisbourg; Commodore Warren with seven ships of the British navy was cooperating; and, in an application from Governor Shirley and Commodore Warren for a reinforcement of men and provisions from Pennsylvania, Warren had mentioned royal instructions as on their way to the colonial Governors. The Assembly's point then was that the instructions would show how far it was intended that Pennsylvania

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drop. We are not to infer that they had intended to leave to the Lieutenant-Governor such a loop-hole: this would make all the Quaker members godless hypocrites. Of course, the man who proposed the words "or other grain"—his identity is unknown—may have been a non-Quaker, and may have thought out the trick. We leave to Norris and his friends credit for sincerity, and to George Thomas, in the absence of proof that there was a different punster, credit for wit. Franklin's *Autobiography* really supports this view, in telling us that some of the Council advised Gov. Thomas not to accept the appropriation as any compliance with the request, but that he replied: "I shall take the money, for I understand very well their meaning; 'other grain' is gunpowder."

Thomas advanced his own money toward raising troops for the regiment commanded by Governor Shirley. How many or who went from Pennsylvania, we do not know. Thomas also advanced money for clothing—which no twisting of the word "grain" could cover—sent to the garrison at Cape Breton. Neither of these sums were repaid to him for a long while, if ever, but in all likelihood by the Crown after his relinquishing the Lieutenant-Governorship. The Assembly of Pennsylvania, having resumed the payment of a salary to him, did not allow for the years when it was not voted. The treasury had been emptied: the accounts of the Treasurer and of the Trustees of the Loan Office, when, in August, 1745, audited by the Committee of the Assembly, showed, as to money actually paid and collected, a balance against the Province of 2000*l.*, while, against any sums to come in, there still remained due 2000*l.* for the erection of the State House. In September, the Assembly declined to assist Massachusetts further in the preservation of Louisbourg.

For some years, the most profitable trade with the Indians carried on by Pennsylvanians had been with

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the Shawnees on the Ohio and its branches. The part of the tribe within the charter boundaries of the Province, became concentrated in that basin by the removal thither early in 1744 of Kakowwatchy and the others who had been at Wyoming. The Shawnees, although dwelling among the Six Nations, were not disposed to take the same stand as the latter at the beginning of the war between England and France. Soon after the treaty of Lancaster, at which only one Shawnee was present, the traders nevertheless started for the Ohio, in reliance upon the sentiments of the Six Nations. A number were then attacked and robbed by a party of Shawnees and French, headed by Peter Chartier. Chartier accepted a military commission under the French King.

When the Governor of Virginia communicated a response from the Catawbas favorable to his suggestion of peace with the Six Nations, Thomas sent Weiser to Onondaga, first issuing, on May 7, 1745, a proclamation for the enforcement of Acts of Assembly against the sale of strong drink to the Indians, and against trading with them without a license. Weiser calling the attention of the Long House to the attack by the Shawnees upon the traders, and complaining of it as a contravention of the treaty of friendship between the Province and the Six Nations, because perpetrated by Indians under their jurisdiction, the Six Nations were greatly angered at the Shawnees, and threatened to exact reparation from them, if the Governor of Canada did not atone for attempting to invade the country. In the matter of a meeting with the Catawbas, the sachems promised one at Philadelphia in the following year, and also promised a truce until then. However, almost immediately after Weiser's visit, a band of Oneidas started against the Catawbas, a proceeding which the sachems afterwards said that they could not control, and which they justified by the theory recognized among them, they asserted, that warlike acts could be performed until

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peace were actually made. The Governor of Pennsylvania could not enforce an opposite theory; but Thomas had the bravery and the conscientiousness to carry out his obligations to the Catawbas and the Province to which they belonged, by sending to them notice of the expedition of the Oneidas.

Although having a good name with New York and Pennsylvania for observance of treaties, the Six Nations did not intend to be bound for ever, and under changing circumstances, any more than civilized nations have shown themselves to be. The astute sachems were well aware, and the Governor of Canada would not let them forget, that the importance of the Iroquois, aye their safety, lay in the rivalry of France and England as then balanced in North America with themselves on the English side or neutral. The capture of Louisbourg tilted the balance very much toward England; she might do without the Six Nations, and, if she continued this career of conquest, she might preponderate over both them and France, combined when too late. So the Six Nations were considering this over a wampum belt accepted as a reminder from the Governor of Canada, in which belt there was wrought in colored beads the figure of a tomahawk. In communicating to the Assembly of Pennsylvania the invitation of the Governor of New York to send Commissioners to meet the Six Nations at Albany in October, 1745, Lieutenant-Governor Thomas said that the only thing to do was to outbid the French, and obtain at once a declaration in favor of the English, as a determination to remain neutral would leave the way open to French intrigues, or, at least, was likely to fail by allies of the Six Nations joining the French, and so putting the Six Nations to a choice later of either joining or fighting those allies. The Assembly, mostly Quakers, avoided expressing an opinion as to such a project, but wished Thomas himself to go to Albany; but, his health not permitting, Law-

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James Hamilton, eldest son of Andrew deceased, qualified as a Councillor in January, 1745-6, and Benjamin Shoemaker, in February. The latter was a Quaker, and was the only person of German ancestry who ever sat in the Council between 1701 and the American Revolution. The Schumacher family had arrived in 1686.

When there was a rumor that the French and the Indians in league with them were about to attack the frontiers of New York, New Jersey, and Pennsylvania, and the people of Lancaster County petitioned for arms, the Assembly discredited the report, and would only vote to pay for Weiser's employment of Delaware Indians as scouts to procure and send intelligence. When Admiral Warren's letter of November 26 arrived, asking for the raising of troops to defend Louisbourg, and Thomas suggested that the Assembly advance the money to allow this to be done, Warren and Sir William Pepperell being authorized to sign bills of exchange, the Assembly said, that, bills of exchange being in great demand, Warren and Pepperell could easily raise from private persons any sum needed. When, in fear of an attack on Annapolis, Nova Scotia, or on Louisbourg, Governor Shirley wrote that it was necessary for the colonies that had not raised any troops to furnish a large number, 500 of whom he hoped Pennsylvania might raise, and when Governor Clinton of New York announced the appointment by the New York Assembly of commissioners to meet those of the neighbouring provinces to concert measures for the defence and conduct of the northern colonies, the Assembly pointed out that regiments from Gibraltar had reached Louisbourg since Shirley's letter, and the Assembly said that it would be time enough to express sentiments, when the other colonies had acceded to the New York suggestion. The address of 12mo. 5, 1745, added, that, were there no "other objections" to complying with

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Shirley's request, the colony of Pennsylvania had been drained of many of its inhabitants by the expedition to Carthagena, the manning of private ships of war, and the recruiting by officers from Jamaica and Antigua, and should not be required to give assistance, if any were necessary, rather than Rhode Island, Connecticut, and New Hampshire, whose situation and engagements interested them more deeply in the preservation of Nova Scotia and Cape Breton. Considerable legislation as to internal affairs was accomplished at this Assembly.

The King ordered on April 9, 1746, that Governors of the North American colonies raise as many troops as possible to cooperate in any expedition for the conquest of Canada with the troops at Louisbourg and with five battalions which were to sail from England about the 1st of May. The troops from the colonies were to be in companies of 100 men, and those from New York, New Jersey, Pennsylvania, Maryland, and Virginia were to form one corps commanded by Lieutenant-Governor Gooch of Virginia as Brigadier-General, and to proceed from the rendezvous by land into the southern part of Canada. Blank commissions were to be sent over; officers were to be paid by the King from the time of entrance into the service, and soldiers from date of enlistment; all were to share in any booty, and to be sent to their homes at end of service; Lieut. Gen. St. Clair, the Commander-in-Chief, who was to come with the battalions from England, was to make a reasonable allowance for the Governors, to enable them to provide arms and clothing; and the Council and Assembly—it being overlooked that in Pennsylvania the Council was not a house of the legislature—were to be asked for provisions for the subsistence of the troops. The instructions reached Lieutenant-Governor Thomas about June 3.

The Assemblymen, specially convened, and con-

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fronted with this expression of the wishes of their Sovereign, and asked by Thomas to advance the money which St. Clair would pay for arms and clothing, had no choice but the old solution of giving at once a considerable sum of money "to the King's use." In the condition of the Treasury and the Loan Office, this was to be done by issuing to the King's representative colonial bills of credit, which he could spend, but which were after all a debt which must be extinguished in due time. The easiest method was that recently employed to build the State House, viz: issuing so large an amount of paper money, that, over and above the quantity required for the occasion, there would be a balance for loans on real estate, the interest on which would be a source of revenue, ultimately redeeming the quantity spent. The Assembly expressed to the Lieutenant-Governor the hope that he would agree to this method. Thomas replied, pleased with the willingness to give money, that the royal instructions of Aug. 21, 1740, forbade his passing any law to issue bills of credit, unless the carrying out of the measure were postponed until the King's consent should be received, which meant a delay of months. Thomas also spoke of the dangers of inflation, exchange to London being already higher than ever known; and he declared it certain that any sum voted to the King could be borrowed on the security of the excise, repaying the sum out of the excise or the interest on the outstanding loans. To the various points, the Assembly replied that the Governor, it was hoped, would feel at liberty to disobey the instructions in an emergency, that exchange was dependent upon the exigencies of trade, and had actually fallen after the increase of paper money under the 80,000*l.* Act, and that the excise and the interest on outstanding loans combined had not paid off the sums recently given and the contingent charges of government. Thomas then rejoined that he would have waived his

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own objections to inflation in the emergency, but he must abide by the instructions. The members were unwilling to impose upon the people the unusual burden of a direct tax, the yield from which, moreover, would be dilatory and uncertain: so they voted only 5000*l.*, and adhered to that figure, although Thomas said that it would raise and victual only three companies, as the same bounty would be expected by recruits in Pennsylvania as was reported to be paid elsewhere. He modified his position as to bills of credit so far as to offer to agree to the issue of them, if to be extinguished in a reasonable time by taxation; but the issue of any considerable amount on such terms involved a tax on estates and persons. He was obliged therefore to pass the Act of Assembly finally sent to him giving him at once 5000*l.* in bills of credit already printed, intended to replace the torn and ragged ones in circulation, and ordering 5000*l.* for the latter purpose to be freshly printed. Thus the literal terms of the instructions postponing an issue until the King's pleasure could be learned, were violated, but it was arranged that the 5000*l.* thus added to the amount in circulation were to be reduced 500*l.* annually out of the proceeds of the excise, which was continued for ten years.

The Governor of New York having received instructions recommending him to hold a treaty with the Six Nations to facilitate the reduction of Canada, a request came for Pennsylvania to appoint commissioners to join in the treaty. The Assemblymen refused to act, being unable consistently with their religious principles to urge Indians to engage in war. However, their message said, that, if further presents were necessary to secure the Indians in fidelity to Great Britain and amity with the people of her colonies, and if Thomas could negotiate the matter in person, the expense would be paid. Thomas did not go to the conference, and Pennsylvania was not represented during the rest of the

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war in any union for inducing the Six Nations to fight.

The raising and forwarding of 400 men from Pennsylvania for the campaign reflects credit on the patriotism and energy of individuals with Lieutenant-Governor Thomas at their head, and upon his honesty and ability. John Shannon, Samuel Perry, William Trent (son of deceased Councillor Trent), and John Diemer, as Captains, entered into service on June 4, 1746, with the following officers under them: Lieutenants Jacob Kollock, James Lawrie, Daniel Byles, and John Wildt, and Ensigns William Morgan, James Stevenson, William Rush, and William Franklin (very young, afterwards Governor of New Jersey, son of Benjamin Franklin). Each captain raised a company of 100 men, including four sergeants, four corporals, and two drummers. The money voted by the Assembly did more than Thomas had thought it would: probably by his faithful management, he, after paying some bounties and the cost of tents, provisions, and other necessaries, had a balance sufficient for paying the freight on provisions, wagon hire, and transportation from Brunswick to Albany, for all of which he offered to show vouchers. On his own credit, he had procured the clothing, arms, and ammunition, at a cost of 3821*l.* 16*s.* 11*d.*, in expectation of remittances from General St. Clair. Each man was to receive one Spanish dollar on enlisting and three gold pistoles before leaving, so as to provide for his family in his absence. By August 22, as these troops were about to start for Albany, General St. Clair had not arrived at Louisbourg, nor had any money expected to come through him been received in Pennsylvania. Neither the aforesaid allowance nor any pay had been given to the soldiers. They were mostly in arrears to the keepers of public houses for their board; and desertions or a mutiny was feared, unless something could be allowed for subsistence, which, at the high price

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which the aforesaid keepers of public houses had been free to charge, amounted for the whole number of privates to 140*l.* per week. Thomas asked the Assembly on August 22 to advance the money to pay the bills for the clothing, arms, and accoutrements, and to pay for the subsistence up to the arrival of the fleet or the receipt of directions from the King. Thomas also recommended a law fixing the allowance for a soldier's board, or authorizing the Justices to billet soldiers at a reasonable price. The Assemblymen declared it too late in the season to take up such a question, while, as to money, they merely voted to Thomas the balance, that is 500*l.*, of his salary, and suggested his advancing for "the present exigencies" out of the balance not yet paid over of the 5000*l.* So he gave to each Captain 150*l.* towards the bill for quartering his men, and 150*l.* for their subsistence on the march to Albany. The troops started on September 4, Thomas having paid out 413*l.* 11*s.* 7*d.* more than the 5000*l.* He soon heard from Governors Gooch and Shirley, that, the other colonies having provided for the subsistence of their troops, the Crown would look to Pennsylvania to do as much for hers, and would not indemnify her Governor.

In accordance with a proclamation by the Lieutenant-Governor, the 24th day of July, 1746, was devoted to a Thanksgiving for the victory of the Duke of Cumberland over the adherents of the "Popish Pretender;" and the Lieutenant-Governor and his Council sent a "humble address" of congratulation to King George II.

The troops of the Middle Colonies were ordered into quarters at Albany, and an allowance of provisions for four months from October 6, the day of arrival there, was made to the Pennsylvanians, but they found that the men from other colonies had blankets, while they themselves had none; so they threatened a general desertion. Governor Clinton secured 150 blankets, scarcely one for every two soldiers, on the credit of the good name of

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Pennsylvania; but when, in October, 1746, Governor Thomas laid the matter, as well as his own advances, before the new Assembly just organizing, the usual course of adjourning until January, without attending to business, was followed.

The whole scheme for reducing Canada failed: no ships or troops arrived from England to operate in the lower St. Lawrence, and the men who were to take Crown Point, viz: those sent up the Hudson, were kept in the northern part of the territory subject to New York, without engaging in any considerable enterprise; a policy which laid the English under the imputation of cowardice in the minds of the Indians, and so strained the allegiance of the Six Nations. Meanwhile, the clothing of the Pennsylvanians, if it ever was sufficient, wore out. As we learn from Capt. Perry's letter of Jany. 7 (*Penna. Archives*), the men wanted shoes, stockings, breeches, and shirts, and were making plans to go off in a body: the Captains had advanced large sums, owing to the detention of the soldiers' pay. Either this was not known when the Assembly reconvened, or it was thought that the colony had given enough, and that the men should be at home earning a living. The four months for which provisions had been allowed being about to expire, an effort was made to have the Assembly pay for continuing the supply. Humanity as well as patriotism seemed to call for action which was really a participation in carrying on war, and which was only possible by imposing such taxation as had not been imposed within twenty years. The Assemblymen were, however, in one character lambs risking slaughter by a foreign enemy, and in another character watch dogs over the taxpayers' money, and therefore replied, that, as the time for the expedition had expired, they must suppose that it had been given up, and, if this was so, they could see no reason for keeping together so many men at the charge of the colonies, but if, however, the

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Governor of New York, who was said to be in command, felt justified from any instructions in keeping the troops together, he must be justified in drawing bills for their support and pay, for it could not be the King's intention to load his subjects with so great a burden. The Assembly's position was correct; and the Commander-in-Chief furnished the provisions until the troops were discharged. The Pennsylvania officers and apparently their men were kept at work during the early part of the next year. Trent with 60 men was surprised by a much superior force on April 7, just outside of Saratoga, eight of his party falling at the first fire, but he rallied the rest, and held the ground for an hour, after which, reenforcements arriving, the French retired. The four Lieutenants and all the Ensigns except William Franklin were spoken of on April 22 as frequently out with detachments, and liable to be captured. Franklin appears to have been sent home on business, he advertising in Philadelphia later for deserters. Between April 26 and May 31, 130 men deserted, and were supposed to have made their way back to Pennsylvania. The Commander-in-Chief managed to give to the sergeants, corporals, drummers, and privates remaining their pay to June 24 inclusive, but the captains received nothing until after the discharge of the troops, and the lieutenants and ensigns only the allowance for two months subsistence. Franklin's allowance was not then paid to him. The troops were discharged on Oct. 31, 1747, by Governor Shirley and Admiral Knowles, the news of which was not made known in Albany until the 19th of the following month.

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CHAPTER XXVII.

Final Chapter.

Death of John Penn—Thomas Penn's behavior on his nephew's marriage—The Inomoy and Tugan Indians—Departure of Lt. Gov. Thomas and his subsequent career—The Council takes the executive power, with Anthony Palmer as President—Philadelphia and the lands below at the mercy of privateers—The Assembly maintains its attitude—Benjamin Franklin comes to the fore politically—He appeals in *Plain Truth* to the non-partisans, particularly those of the middle class, to defend the Province—The Association for Defence—Losses and prowess at sea—The strengthening and extension of alliance with Indians to the westward—Prospective peace enables the Assemblymen to be reelected—James Hamilton is selected by the Penns for Lieutenant-Governor, and takes oaths in England—Palmer's second marriage, death, and descendants—Close of this history with the treaties and proclamations of peace.

A signal event, which probably, however, made little difference in the course of the Proprietaries as Governors or landlords, was the death of John Penn. He died at Hitcham, Co. Bucks, England, on "Tuesday night, Oct. 28,"—actually on the 29th,—1746. When news of his death had reached Pennsylvania, the Lieutenant-Governor, who could not have cared much for him, spoke to the Assemblymen of the humanity, good nature, and affability of the deceased, and of his constant regard for their liberties and interests; and, indeed, in some letters he had evinced loyalty to the constitution governing the Province. The encomium obtained a response from the Assembly merely condoling

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"on the loss the Province hath sustained," and speaking of the benevolence, generosity, and public spirit of his father, and expressing the hope that the father's descendants, being educated in such principles, and influenced by such an example, would continue in like beneficence.

The greatest effect of the death was probably upon the rest of the Penn family. John having left no issue, his share went to his brother Thomas for life, by appointment in John's will under the agreement of 1732. Thomas Penn's ownership of three fourths of the Proprietaryship from this time, made him the tyrant of the family. The position was strengthened during a few years by his being a bachelor, and likely to provide by will for those who pleased him, out of his savings or other property not covered by the family settlement; while there was enough power left in him by that settlement to injure those who displeased him. He could sell his share at a price too high for Richard to give, and could buy back clear, or could revoke and alter the agreement to leave the share to Richard. Richard's eldest son, John, afterwards Lieutenant-Governor, would naturally be an object of Thomas's bounty, even with the prospect of a great inheritance by the terms of the family settlement. This John, while not mentally deficient, was, as his whole career shows, a weak character, really by his very weakness, and not by popularity, escaping at the American Revolution the animosity which might have been expected against a Governor appointed by English authority. He was the only Penn who died in the land named after his family.

The story given in the *Provincial Councillors of Pennsylvania* of Thomas Penn's behavior as to this nephew's early marriage, shows want of any idea of the sacredness of the tie, but, as amplified in the autobiography of David Meade, printed in *William and Mary College Quarterly,* Vol. XIII, p. 41 &ct., is very black.

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Meade's story is the highest kind of hearsay testimony, for he entered Harrow school about 1752. John Penn aforesaid was born on July 14, 1729, and was sent to Harrow, and, like other sons of imprudent fathers, was put to board in the household of the Head Master, Rev. Dr. James Cox. While there or soon afterwards, as the result of being there, and certainly when little older than his step-uncle William Penn Jr. had been at marriage, John, without his family's knowledge—Meade says "clandestinely"—married a daughter of the Head Master. Such a connection, the Penn family had no right to consider derogatory. Thomas Penn, on discovering what the young man had done, separated the couple by sending him out of England under a tutor, and, to punish the father-in-law for any share in promoting the marriage, caused him to be discharged from his position. John, studying at the University of Geneva, resented the young lady's having captured him, instead of resenting his uncle's interference, and repented, as if of a crime, and made no response to the attempts of her and her family to communicate.

Thomas Penn married on Aug. 22, 1751, Lady Juliana Fermor, daughter of Thomas Fermor, first Earl of Pomfret, and thus entered a higher social circle than he could have in early manhood looked forward to. The event altered the prospects of Richard Penn's family. Dr. Cox soon wrote to John, urging him, now that he was of age and unlikely to inherit from the uncle, to show independence of the family, by returning to the wife, from whom John had been away four years. John, however, after a trip to Italy, where he spent more money than his uncle thought proper, submitted cheerfully to uncle and father, who joined in sending him permanently from his wife. Dodging the Cox family, he came to Pennsylvania. Says Meade: "She soon after died of a broken heart, and her father, deprived of his living and his reputation, did not long survive

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her. . . The pecuniary advantage of Mr. Penn's marriage with Miss Allen [Anne, dau. of William, the Chief Justice] was probably much greater than the first, which he contracted with Miss Cox: demonstrably not more honorable, but perhaps less so."

The year 1747, beginning March 25, opened with the secession from the French of certain small tribes of distant Indians in needy circumstances, and in hopes of bettering their condition by a close connection with the government and business men of Philadelphia. The Inomoy nation on Lake Erie desired Pennsylvania traders to come to them; and the nations trading with the English, and in friendship with the Mingoes and Shawnees at Allegheney, agreed to move to Inomoy Creek, to be more convenient to the traders, while asking more gunpowder in exchange for the skins. Col. William Johnson and John Henry Lydius, endeavoring to obtain the assistance of the Six Nations, had failed to induce the Long House to declare war against the French, whom the Cayugas and Senecas favored. Only the Mohawks had been stirred up, and some small bands were cooperating with them. The Tugans, living at Canayiahaga on the River Conde, formerly in amity with the French, had turned against the latter, and had taken hold of the hatchet, which the Tugans understood to have been given to them in the Autumn at Albany by not only the Governor of New York, but also the Governor of Pennsylvania. The Tugans, after killing five Frenchmen, sent the scalp of one of them to Thomas, with a request for powder and lead and with a promise to try to cut off all the French in those parts, the Tugans hoping soon to get possession of Detroit, and the Misasaga and Toaways being in unison with them. This sanguinary but encouraging present and message, as well as the letter sent by the Mingoes and Shawnees expressing the wishes of the Inomoy Indians

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and their neighbours, arrived after George Thomas had departed from the province.

As a certain native of Philadelphia, not long ago deceased, speaking to Europeans of its being a desirable place of residence, frankly admitted in so many words that its climate in Summer was fit only for negroes, and in Winter only for Esquimaux, so we can not be surprised that a stranger felt that it disagreed with him. Thomas, much impaired in health, determined, as he passed through the Summer of 1746, that it should be the last spent by him in Pennsylvania, that he would retire from the Lieutenant-Governorship, and that he would sail for England no later than the beginning of the following June. On Nov. 3, 1746, by the first opportunity after making up his mind, he wrote to Thomas Penn to such effect. In the Spring, Gov. Thomas found that a fleet was to sail in June from Virginia; so he decided to go under its protection with his wife and what children were with him. On May 4, he gave formal notice to his Council, and then arranged that the Assembly of Pennsylvania proper should attend him on the next day, if he were well enough. Accordingly on the 5th he received the representatives of the People, and, after notifying them of John Penn's death, mentioned his own plans. Quite in contrast with the non-committal treatment of the death of the Proprietary, the Assemblymen declared that the continuance of the Lieutenant-Governor in the exercise of the government would have been most agreeable to them. They remarked that a variety of sentiments was to be expected in difficult and tempestuous times, but that, so long as both parts of the legislature acted with integrity and consistently with their respective judgments, such variety was beneficial to the public. They said that nobody doubted Thomas's skill or abilities, and that they believed him to have been regardful of the King's service and the honor and reputation of the Province.

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In return for his expressions of concern at leaving, his wishes for the prosperity of the Province, and his intention of embracing any opportunity of serving it, the Assemblymen wished him a prosperous voyage, the restoration of his health, and all manner of happiness. To all this, Thomas gratefully and frankly acknowledged that they had said as much as he could expect, and that to have placed any stronger commendation on public record would have seemed like putting themselves, who had opposed him, in the wrong. The House gave him not only 500*l.* as the proportion of the year's support, but also 211*l.* to enable him to discharge the drafts of the officers at Albany for blankets and other articles.

He met his Council for the last time on May 29, and embarked for London on June 1 with his wife and "daughter," apparently the one less than two years old, spoken of by him after the voyage as the "little prating Pennsylvanian." His administration on the whole had been satisfactory to the King, tolerable to the People, and only financially disappointing to himself. He had promoted peace with the Indians. He had secured numerous men and considerable money for military purposes from a colony ruled by Quakers, without his actions being resented for any length of time by the voters. To the carefully chosen words of the Assemblymen, the Vestry of Christ Church, the Presbyterian Synod of Philadelphia, and the Consistory of Tennent's Whitefieldian Presbyterian congregation added strong tributes in separate addresses,—the Anglicans speaking particularly of his interest and aid as a member of their congregation, the Presbyterians speaking particularly of his care to maintain civil and religious liberty. The aforesaid Consistory mentioned his annual donation for the relief of the poor in different societies, meaning religious bodies, in the city. Unlike all his predecessors, he retired both voluntarily and regretted. Blackwell

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had indeed retired voluntarily, but in disgust, and to the relief of the leading men; Hamilton and Gordon had died; the others had been removed. The certificates on Thomas's retirement were such as would recommend him for another position. The Paymaster-General of the Forces settled the bills of exchange for all the clothing, arms, and ammunition procured by Thomas for the contingent furnished towards the expedition against Canada. Thomas appears to have been on leaving office in arrears on his agreement with the Proprietaries even as amended, and, when he reached England, he asked them to forego the same, but Thomas Penn refused, on the specious ground of a promise to the deceased John not to speak further on the subject. There was some disagreeble correspondence, and an interview was arranged. Whether the Proprietaries finally agreed to let their late Deputy retain more remuneration than he had contracted for, is not known. He had some right to ask it, as he had taken upon himself the extra labor, previously no part of a Lieutenant-Governor's duties, of examining and signing patents for land after Thomas Penn's departure. George Thomas bought an English estate, Yapton Place, Sussex.

About 1753, he was appointed Captain General and Governor-in-Chief of the Leeward Islands, and as such received the thanks of George II and George III for his services during the foreign wars. He mitigated the suffering from war by a stipulation with the French Governor in the neighbourhood of the Islands not to allow invasions of private property by periagua privateers. Going to England after peace was restored, being on leave of absence on account of his health, he was created a baronet by patent dated Sep. 6, 1766, and, on Dec. 18 of that year, resigned the government of the Islands. In the capacity of Chancellor, it has been said of him, as it has been somewhat inaccurately of various judicial officers, that his decisions were never reversed. A

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writer in the *Gentleman's Magazine* after Thomas's death passed a great eulogium upon his ability, good judgment, and, above all, integrity.

Notwithstanding recurring anxiety about his health, he lived to a good age. He died on Dec. 31, 1774,—the date is wrong in several publications,—in Upper Brook Street, London, and was buried at Willingdon, Sussex. His eldest son, William, succeeded to the baronetcy, which is now (Burke's *Peerage and Baronetage* and *Who's Who for 1915*) held by a descendant.

The departure of Lieut. Governor Thomas put the executive, or gubernatorial, power in the Council, composed of Anthony Palmer, Thomas Lawrence, Samuel Hasell, William Till, Abraham Taylor, Robert Strettell, James Hamilton, Benjamin Shoemaker, Joseph Turner, Lawrence Growdon, Thomas Hopkinson, and William Logan. Turner, mentioned in the last chapter, was a merchant; Growdon was the son of the early Councillor and Speaker of the name; and Hopkinson was Admiralty Judge. These three had been added on May 13 by the departing Lieutenant-Governor, in view of the body being reduced to seven active members, and of the requirement that four must act with the President in all business. James Logan having positively resigned on the 29th, William Logan, his eldest son, had then been selected. When, on June 6, 1747, all except Hamilton, who was beyond seas, met to assume their new powers, Palmer, as longest in service, took his seat as President. Unlike Lloyd and Shippen and Logan, former Presidents, this one was a Churchman.

Palmer was or had been rich. He had been a merchant in the parish of St. Michael, Barbados, being so described in 1704, when he bought some land in Philadelphia County. For some years, he was often spoken of as "Captain Palmer," this indicating the occupation of sailing a trading vessel, for in 1747 he mentioned his being an entire stranger to military matters. He prob-

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ably visited the little port on the Delaware before making his home in it about 1705, when he brought with him his wife, Thomasine, and some children. Watson the Annalist credits Anthony and Thomasine with twenty-one children, and says that they all died of consumption. Only nine have been identified; and six of them lived long enough to marry. After residing in the city, engaged in trade, Palmer removed to the Fairman mansion (near Beach Street and Columbia Ave.), in the region then called Shackamaxon. The tract on which it stood, he divided into lots, and called Kensington. He was a widower when he became President, his wife having died in 1745; but he had an unmarried daughter, and probably there was also with him his widowed daughter, who had married a son of Sir William Keith.

The Council early took measures to regulate, in conjunction with New Jersey, the pilots of the river and bay, and to stop the practice, of which there had been recent instances, of allowing enemies' vessels to be brought up to Philadelphia under flag of truce to return prisoners taken. On July 12, 1747, armed men from an enemy privateer, having gotten possession of a pilot boat, came ashore at Edmund Liston's plantation, about four miles above Bombay Hook, carried off three negroes, rifled the house, and compelled Liston to go with them to the adjoining plantation, belonging to James Hart. There the invaders seized a negro. Hart having bolted his door, and picked up his gun, they fired into the house, wounding Hart's wife, and threatened to burn the house, and so compelled him to yield, and to act as a guide: but he led them away from, instead of to, the other plantations until sunset, when the invaders went back to their boat, saying that it would be useless for the inhabitants to resist, for a brig and sloop were at hand. Two days later, the same party, by approaching in a pilot boat, suddenly boarded the well armed ship of Capt. Bernard Martin at Cape Henlopen,

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and overpowered him and his men. He with seven of them was put off in the pilot boat the next day, and the ship was taken for the purpose of cruising in her between Delaware Bay and Cape Fear, the French commander saying that he expected to be in Philadelphia within six months. Among those with him was a renegade Englishman, who said that he was familiar with Philadelphia. On August 28, the sloop "Elizabeth," bound for Philadelphia, was captured off the coast of North Carolina by a French privateer commanded by Captain Lehay, who had already taken three English prizes. Proceeding northward, the privateer took a brigantine and two ships near the Virginia capes, and a sloop, commanded by Newbold, about fifteen leagues off the Delaware capes, and the ship "Bolton," Oswald Eves, commander, and the ship "Delaware," commanded by —— Lake, in Delaware Bay. Some of the privateer's crew were English; some, Irish; and some, Scotch.

The Assembly had adjourned to August 17, after saying farewell to Lieutenant-Governor Thomas. About the time of the arrival of the French scalp, letters had come from Shirley, the Massachusetts Governor, saying that the Six Nations generally had engaged in the war, owing largely to the influence of Col. Johnson and Mr. Lydius, who could not fulfil their promises to the Indians without supplies from the North American colonies, and that the Assembly of Massachusetts desired representation to be made to the Assembly of Pennsylvania to induce a handsome contribution. Kinsey and other Assemblymen then in town, on being sounded, advised that the country members be not irritated by being forced to meet before August 17, and Kinsey announced his own opinion that presents to the Indians should be given to them directly by the Province's own interpreter, and the services for which the presents were given made

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known by him. So the Council had decided to wait. Shirley had afterwards written to ask the Pennsylvania Assembly to send commissioners to meet commissioners from the other governments from New Hampshire to Virginia in a Congress at New York on Sep. 2, to agree upon measures for encouraging the vigorous prosecution by the Six Nations of their incursions upon the enemy, and to settle upon method and proportion of raising men and money for the war, and to project plans of operations as the common interest should require. Conrad Weiser had been meanwhile sent to the Indians at Shamokin with some clothes, to be worn in remembrance of John Penn, and some handkerchiefs, to wipe the tears for his death. Weiser reported that the Long House still withheld a declaration of war. On July 13, 1747, upon receiving word of the attack upon Liston's and Hart's plantations, six Councillors in Philadelphia had met at once in the absence of Palmer, who was on the river, coming back from New Castle. The six had held a conference with Kinsey and other Assemblymen in town as to whether the Assembly would ultimately pay bills for the fitting out of a ship of war or the erecting of fortifications. These Assemblymen declined to bind the House. The Speaker said that some of the members would act up to their principles, whatever were the dangers, and that, as to his own vote, he would as soon fight as vote to approve military measures, but he supposed that the House would not allow those acting as Governor to be losers pecuniarily on account of anything they did for the benefit of the Province, but would compensate them by money given for support of government or otherwise. This did not make the Councillors feel safe in incurring expense. The Assembly, moreover, was unable, in the absence of a Governor or Lieutenant-Governor, to levy a tax. The Councillors, with Palmer at their head, took the opportunity of two vessels going to

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England to write to the Proprietaries that the want of a proper power to pass laws was at this juncture a great misfortune, or, in other words, that a fully empowered Governor was much needed. When the House met, and all these subjects awaiting action were formally referred to it, the reply was, that, as to the Six Nations and the Congress, the former could not be expected to declare war, now that the expedition against Canada was believed to be given up, so the Congress would be of little avail, but presents would be made to the Indians, they probably being in necessitous circumstances; that, as to erecting forts, or building ships of war, not only were the principles of most of the Assemblymen opposed thereto, but it would be difficult, if not impossible, to prevent depredations upon the scattered plantations along the length of the Bay, or to prevent the capture of a well armed vessel by a trick; that the measures suggested for defence, while of so little use, would be of great cost; that the treasury was low; and that, if the restraint upon legislation was in force, no Act whatever could be passed. Appropriation of 400*l.* for the Indians was duly made.

When a new Assembly met, it was asked to provide for defence, out of the public money on hand, and at the disposal of the body, also to furnish clothes and other necessaries for the Spanish prisoners who had been brought in by privateers, and of whom there were a number, quite destitute, in the work-house. The answer, on Oct. 16, referred the President and Council to the message of the last Assembly on the former subject, but promised a sum for the prisoners.

In the Autumn of 1747, the population outside of the Quaker party rose as one man, and at the appeal of one man, to defend the Province. In the political struggles before that time, Benjamin Franklin, while he may have exerted some influence for individuals or measures, had not taken any considerable part. With all the utili-

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tarianism of the Quakers, but without their asceticism or spirituality, and with all the worldliness of the high non-Quaker officers, but without their attempts at elegance or their devotion to a chief, he could not be of one heart with either faction. He was not financially a dependent upon either. Hamilton, who had secured for him the printing for the Assemblies of both parts of the Penns' dominion, and with whose support he had become Clerk of the Assembly of the Upper Counties, had been, as we have seen, something of a free lance, at times the lawyer for the Proprietary family, at others thwarting the Lieutenant-Governor and Council. The other public position which Franklin held, viz: the Postmastership, was the gift of Spotswood of Virginia, who had chosen him in order to have a competent steward, and this superior died in 1740. Nor was he socially bound to the leaders of either faction. Beginning with the step which he now took, which was an appeal to non-partisans, he became the leader of a third party, destined, as its members more numerously qualified for the suffrage, to master and finally to overwhelm the other parties. With his hitting arguments, with the general recognition of his competency in so many lines, he was, moreover, at this time clear of the prejudices and suspicions which might attach to other well known men in the minds of the masses. Except in the days of his wildest "wild oats," morally and theologically, he had as to religion much in common with most of the colonists. In the pamphlet about to be mentioned, the authorship of which he avowed, he begins with an illustration from Biblical history, he shows a fear of Roman Catholics, and he closes by stating what was his prayer to "the God of wisdom, strength, and power, the Lord of the armies of Israel." The warfare between sects had been changed by Whitefield and Zinzendorf into a warfare within sects, except that some small companies were so different from others as to be harmonious

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within themselves. Franklin had offended nobody, and done business with everybody, even publishing a newspaper for the Germans, as has been mentioned. Although he had been brought into contact in literary matters and public institutions with Logan, Allen, Hopkinson, and others who might be called aristocrats, what political association Franklin had was with the side which lessened the poor man's burden. With his extensive acquaintance outside of those who engrossed political power, and with his democratic habits, he was looked upon as a representative of the common, or working, people. When he turned from and attacked those voting in the Assembly against military measures, he could not be supposed to be thinking primarily of the safety of certain rich men's property.

About the end of October, 1747, he wrote a pamphlet entitled *Plain Truth or Serious Considerations on the Present State of the City of Philadelphia and Province of Pennsylvania,* and he published this as "by a Tradesman of Philadelphia." It set forth the unfortunate predicament of the middle class inhabitants, unable to flee, or to turn property into credits elsewhere, and defenceless for want of forts, arms, union, or discipline, unjustly refused help from public money by the Assemblymen, while the members of the opposite party, to whom were attributed the motives of disappointment in schemes for power, and unwillingness to benefit the Quakers jointly with themselves, would not use their wealth and influence to promote military education. Estimating the non-Quakers at over 60,000 fighting men, the author urged his fellows of the middle class, the country people as well as those in the city, the Scotch-Irish as well as the Germans, to take arms without waiting for help from others. He announced his intention shortly, if he saw a disposition favorable to a union for this purpose, to suggest articles of asso-

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ciation and also a scheme for raising the money necessary for defence without laying a burden upon any one.

Soon after the pamphlet appeared, it being known that Franklin had written it, persons asked him for the articles of association. He and a few others drafted such Articles, requiring those who signed them to appear for drill, and to obey; the Articles also giving the army a democratic constitution in the election of each company's officers by the men, and a regiment's officers by the officers of its companies. Franklin called a mass meeting in the Whitefield building. There he spoke, and distributed copies of the Articles. As part of the general plan, he suggested a fort to defend the city, to be paid for by a lottery. Franklin mentions the purchase of some old but not sufficient cannon from Boston. Notwithstanding what might be called demagoguery in the pamphlet, and the granting of power to the disenfranchised, the Councillors and their friends hailed the movement as a solution of their predicament. The minutes of the Council for Nov. 26 speak of many hundred persons having entered into an association for the general defence, they and the City Corporation petitioning the Proprietaries for cannon, and the merchants petitioning the Admiralty for a man of war. The Council, on November 27, wrote to the Proprietaries in aid of both requests; and, as the necessity for cannon would be probably before any could arrive from England, the Council wrote at the end of December to every neighbouring Governor or commander likely to have any to spare, asking him to lend meanwhile. Clinton said that he could not answer before the arrival of the engineer sent by the Crown, and every day expected. The others refused. Franklin's *Autobiography* says that twelve hundred persons signed the Articles of Association at or within a few days after the mass meeting, and that, copies being taken into the country, at length the whole number who had bound themselves was

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ten thousand: also that he, being now consulted by the Councillors in "every measure wherein their concurrence was thought useful to the association," proposed and drew up the proclamation, which was issued on Dec. 9, for the observance of January 7 as a day of fasting and prayer, also that the officers of the Philadelphia regiment chose him as Colonel, but that he, conceiving himself unfit, declined, and, on his recommendation, Councillor Lawrence was appointed. Whether Franklin's memory failed in precision, whether the rank was Colonel or Lieutenant-Colonel, whether he recommended Councillor Abraham Taylor or Councillor Thomas Lawrence, there was greatness in self effacement, and in the policy of handing over the command to one of the heads of the colony, instead of letting the movement appear to be putting them aside. We learn from the Council's minutes of Jany. 1, that, on that day, the Captains, Lieutenants, and Ensigns, one for each of eleven companies, after receiving their commissions, withdrew to another room, and in a little while reported their choice of Councillor Taylor as Colonel, Councillor Lawrence as Lieutenant-Colonel, and Samuel McCall as Major, whose commissions as such were ordered to be prepared. These names and the names of some of the officers of the companies indicate how generally the movement stirred up by *Plain Truth* was joined in by those who were considered above the middle classes: one Quaker, moreover, Richard Renshaw became a Lieutenant, and on January 8 took an affirmation, when Taylor and the others took oath as officers. On the next day, William Moore and Samuel Flower, chosen Colonel and Lieutenant-Colonel respectively of the Chester County regiment, took the oath, and they and the officers under them were commissioned. One or more regiments from each county of the Province and Territories on Delaware were organized before the end of May. Logan bought 60*l.*

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worth of tickets in the lottery for the battery, and told Franklin to apply to the object any prizes the tickets might happen to draw. The chief, or "great battery," was located in Weccacoe (near the foot of the present Federal Street, on land for a long time covered by the United States Navy Yard): but there were to be others. By order sent to England, cannon were purchased and expected to be delivered in the Summer; but, on hearing that the engineer looked for by Clinton had arrived, the Council wrote to Clinton another letter asking him to lend some. Franklin's *Autobiography* tells the story how Taylor, Lawrence, William Allen, and Franklin went to New York to see Clinton, how the latter at first peremptorily refused, but how, at dinner with his Council, where, as was usual in the place, there was great drinking of madeira, he softened by degrees, saying that he would lend six, then, after a few more bumpers, he yielded ten, and at length in great good nature made the number eighteen.

When the Proprietaries heard of the Association, they were troubled, because the populace had taken up arms independently of the government's initiative. Nor was such caviling as unreasonable as the reader may think. It required but little historical knowledge to recall Bacon's rebellion, which, about seventy years before, nearly overthrew the royal governor of Virginia; it required little imagination to picture the Scotch-Irish or the Germans in the near future turning themselves into an army, and holding free of rent all the territory over which they might have spread. Thomas Penn submitted certain legal questions to the English Attorney-General and Solicitor-General, and, on the strength of their answers, wrote under date of March 30, 1748, to the Councillors of the Province that they could not be warranted in commissioning officers to be controlled by anybody but the Council or persons appointed by the same, for it was transferring to subjects the King's

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power of calling the subjects out for defence, and that the choosing by the Associators of a council from among themselves to make military laws, and to order the marching of armed men, seemed contrary to law. As regarded giving cannon for a battery, the Proprietaries said that they would do this when the Assembly would make a law establishing a militia and a battery, which otherwise, the fear was expressed, would be neglected as soon as built. To all this, Palmer and his fellow Councillors made answer on July 30 that they had done nothing but what they thought legal, useful, and necessary, whatever lawyers unacquainted with the circumstances might think; no such criminal action had been taken or intended as the transferrence to the People of the power over the militia; on the contrary, the inferior officers were to take orders from the superior, and these from Palmer and his associates acting as Governor; the military council elected was only to make such regulations as were usually within the scope of militia laws, and the regulations were to be subject to the Governor's sanction; while, in matters of action in time of service, the orders were to be given by the Governor for the time being; in the opinion of most strangers, the Province had the best militia in America, and one of the best batteries of its size on the Continent; and to the Association, under God, the writers must attribute the preservation of the City of Philadelphia. Ultimately Thomas Penn sent cannon costing over £400 stg., which arrived after the war was over.

Upon application by the Proprietaries, the British government had, some time before Oct. 29, 1747, decided to guard Philadelphia and her commerce in the following Spring, by means of a man-of-war cruising in Delaware Bay, and escorting vessels up the river. For this purpose the sloop "Otter," commanded by Capt. John Ballet, was sent over in company with some merchantmen, and with the warship "Hector," Capt.

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Maisterson, ordered to similar service at the Capes of Virginia. The two vessels after arrival at their stations were to keep in correspondence, and to assist each other.

While they were crossing the ocean, various privateers, some sailing in concert, were already at work near the mouth of Delaware Bay, causing losses to those engaged in shipping from the Penn dominions, and interrupting the supply of grain to Nova Scotia and the West Indies. Pennsylvania was in those years the granary of the British possessions. A prisoner put ashore had learned of fourteen armed vessels, French or Spanish, cruising between Sandy Hook and South Carolina. The one on which he had been was the "Clinton," formerly sailing under English letters of marque, but, after capture by the French, sent out from Cape Francois. Among a number of prizes, the first Philadelphia boat she took was probably the schooner "Phœnix," commanded by Pyramus Green, taken on April 15, 1748, one day out from Cape Henlopen. After transferring four of the crew and all the bread of the cargo, and throwing overboard the Indian corn, Frenchmen manned and armed the schooner, and took her to the Capes to prey upon the English. Coming up to a brigantine, all the Frenchmen but one boarded the latter, leaving the schooner loose. Green, who had not been taken off, took possession of the schooner, and escaped with it, carrying the single Frenchman as a prisoner. The boarded brigantine is not identified. The "Clinton," on May 16, captured one named the "Richa," cleared from Philadelphia, and, on bringing her to the Capes, the captain of the "Clinton," De Blane, tried to induce the captain of the "Richa," Benjamin Burk, and a mariner taken from the "Phœnix," Nicholas Eads, to pilot the "Clinton" to Philadelphia, but Burk and Eads stood firm. Another deed shows the quality of some of Philadelphia's sailors of that time. The sloop "Three

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Brothers," when some leagues below Cape Henlopen on the way to the city, was among those meanwhile taken by the same privateer. George Porteous, the captain, being left in the sloop with his wife and young son and an old man, under the charge of three Frenchmen, Porteous in a storm, during which they lost sight of the privateer, steered the sloop to Lewes, he and the boy and the old man overmastering the Frenchmen. Bigger vessels, however, prizes on account of which this and other privateers could afford to neglect the small craft of Green and Porteous, were taken and kept. Yet the hostile vessels had eluded observation by a British vessel of marque which brought French prisoners to Philadelphia on the 20th or 21st, and by the long awaited "Otter," which arrived on the 22nd. Having been separated from her companions by a fog, and having been obliged to fight out at sea, this war vessel was so badly damaged that heaving down was thought imperative by the Captain. A Spanish privateer entered the river on the 25th, and her captain, noticing a large vessel at New Castle, declared that he would capture the same, and land 120 men, and plunder and burn the town. Warning was conveyed by an English prisoner, George Proctor, who escaped in the night in a shallop, and by swimming to the Jersey shore. From there, he crossed in a boat to New Castle the next morning, arriving about an hour before the privateer, flying English colors, anchored before that town. The tide and a sudden calm prevented the boarding of a vessel in the roadstead, which was a large ship from Jamaica. The mate of that ship, the captain being in Philadelphia, had the ship's two stern guns fired, and the townspeople made use of the four guns on the platform intended for a fort; and the privateer floated off. On the receipt, that afternoon, in Philadelphia of Proctor's notice from Salem of the privateer being in the river, Captain Ballet, who, two days before, had been banqueted by the Coun-

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cillors, told them that all that he could do was to set his men at work to raise a good battery, placing in it his guns, which were already ashore. The Council ordered the completion of the great battery, and the mounting in it of the guns from New York, and commissioned Colonel Taylor to command all the batteries. The owners of the "Trembleur" were willing to let that fighting vessel be made ready, if the Council would engage to repay them in case of capture or injury, and the captain was willing to take command on condition, that, if disabled from earning his livelihood by the loss of a limb, he should be provided for by the public. The "Trembleur" was not used, owing to the inability of the Council to make such engagements. The Quaker Speaker, agreeing to the setting of guards, to an embargo upon all vessels, to sending expresses to other colonies, and to employing pilot boats to cruise for information, repeated his former opinion, that, if the Councillors were put to any expense, although it might happen that the Assembly would not have approved, yet an adequate provision would be made in appropriating for the support of government. An attempt was made by Voyall Chubb, two days after the affair at New Castle, to get private subscriptions for immediately sending out one of the vessels then at Philadelphia against the privateers, Ballet saying that he would be ready within ten days; but Chubb was unsuccessful, because it was felt that the Assembly would not make reimbursement. This and the desirability of having a vessel of force kept for several months cruising off the Capes, induced the calling of the Assembly; but, to a request for a grant of money, 1000*l.* per month being the amount supposed necessary, the House answered that it had been the practice to contribute to the support of government, that the protection of the people and of trade was a principal part of the duty of those receiving such contribution, and that, if those having the executive powers of

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government were in any emergency put to expense judged reasonable by the Assembly, it was believed that suitable provision would be made in support of government. This was a modification of Kinsey's former expression, and it was supplemented by declining to encourage the expense of a ship, and by announcing confidence that the "Otter," which would soon be ready to sail, and the "Hector," to the commander of which Captain Ballet had written, would comply with their instructions, which would be all that appeared necessary. The House having adjourned without waiting for a reply, it being the middle of June, the Council unanimously, Lawrence, Taylor, Hopkinson, Hasell, and Strettell being present with Palmer, passed a series of resolutions controverting the position taken by the Assembly, the first resolution saying that it was never understood that the salaries voted to Governors for their support were intended to be laid out in protecting the people and trade, and that, as the Councillors received no salaries, and paid taxes, they should not be expected to make advances out of their private fortunes on no better security than the belief of the present Assemblymen that a future Assembly would judge the sums reasonable, and would make reimbursement.

The privateers which came in May having gone off with their prizes, others appeared in the Bay in June, among them a very large ship, and the number of vessels taken mounted up. Every one of the eight Councillors consulted on June 18, several days after the "Otter" was ready, deemed it too foolhardy for her to go alone to fight so powerful a foe. The warship "Loo," Capt. Norbury, already serving in Virginia, went to the assistance of the colonies on Delaware Bay; the "Hector," having reached her station, cruised northward; and, when it was found that the "Otter" would not be alone, she went down the Bay, took some small prizes, and then, on July 15, effected a union with

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the "Hector." These three vessels practically swept the coast clear, capturing some privateers, and retaking considerable British craft which had been seized by the enemy.

During the whole period of trepidation from the enemy's performances at sea, the government of Pennsylvania was more or less actively engaged in its usual work of strengthening and extending the tie with the Indians. Out of the appropriation made for them by the expiring Assembly of 1746, the Council voted on Sep. 25, 1747, to spend 200*l.* in goods for the Canayiahaga Indians and those on the Ohio, and, accordingly, powder and lead, guns and flints, and knives as well as other articles were sent to John Harris's, to await transportation further. Matchcoats &ct. were sent to Shikallima, who was very poor, had given away his clothes to Indian doctors, had lost three of his family by fever, and was himself recovering from it under the medicine given to him by Weiser from Dr. Græme. About this time, Sassoonan, the Delaware King, died. Lapaghuitton was thought the best fitted to succeed him, but declined, fearing the envy of other Indians, one of whom might bewitch him! Some warriors of the Six Nations living on the Ohio, came unexpectedly to Philadelphia in November, and announced the taking up of the hatchet against the French by the young Indian warriors and captains, in spite of the inclination of the old men of Onondaga to preserve neutrality. Request was made for "better arms:" complaint was made, that, while the Indian "kettle boiled high, so that the Frenchmen's heads might soon be boiled," the fire under the English kettle "was almost out, and that it hardly boiled at all," meaning, that, while the Indians were carrying on the war briskly, the English were not fighting. It was learned by Weiser, in private conversation, that the taking up of the hatchet had been done to prevent the neighbours from following the example of the

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0½*d.*: but, on reports, that, in fact, only one tribe on the Ohio had committed hostilities against the French, the others having submitted the question of war to the Six Nations, the Council, letting Croghan take some articles to the distant Indians, postponed Weiser's journey to those on the Ohio, until after an expected visit of some of the old men from the Long House. Croghan found on the Ohio nearly 1500 Indians, he said, in great want of powder, lead, &ct., and added to the present he took, which was not sufficient to supply half of them with ammunition to kill meat for themselves. He held a conference on April 28, and May 2 and May 4, 1748, with those who spoke of representing 730 men of the Six Nations able to go to war, and of there being other nations on the Ohio which would make up as many more. The Indians, receiving the goods with a promise of more before the first of August, declared themselves devoted to the English, only dilatory in prosecuting the war until all the brethren among the enemy could get home, and only awaiting word from the English as to when and where to strike. In June, a message from the Cayugas was brought to Shamokin, and forwarded to Juniata, warning the Indians on the Susquehanna that English agents, angry at the Cayugas refusing to go to war, had declared them enemies. Shikallima had not believed this, and had sent persons to investigate, but, through Weiser at Tulpehocken, told the government of Pennsylvania. The President wrote to Governor Clinton, and received answer that such exasperating language had not been used at Colonel Johnson's recent treaty with the Six Nations, nor anywhere with the Governor's knowledge or consent: and a copy of this answer with a copy of the minutes of the treaty, was sent to Weiser for the satisfaction of the Indians about the Susquehanna.

In the Summer of 1748, there was a resumption of control over the Shawnees, and also the establishment

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punctual regard for their engagements was expected in the future. Kakowwatchy and his party, on the other hand, would be remembered with gratitude, and were to receive a belt, which the commissioners gave, in testimony of regard.

As the treaty was concluded, there came news of a cessation of hostilities between the English and French Kings. On August 11, however, Weiser set out for the Ohio, and there, in the following month, delivered the goods as a kind and brotherly present, explaining that the President and Council, in view of their Sovereign's command to suspend arms, and of the probability of peace, could not encourage the Indians in a war against the French. Among those receiving a present were Ionontady-hagas, or Wondats, who had removed themselves from the French, and were taken into the league with Pennsylvania. Weiser communicated a new regulation, which was in the line of temperance among the Indians, because cutting down the extortionate profits of those who sold liquor, viz: that a certain quantity should be bartered at Indian villages for five bucks (the skins?), and, if a trader would not let it go for that, the Indians could take it from him, and drink it for nothing.

Peace, of which the colonists were made certain before the election of 1748, saved the political life of the Quaker Assemblymen. The voters, of whom only a small minority were religiously persuaded to non-resistance, and of whom an overwhelming number, had the danger continued, would have been exasperated, were now glad that they had no taxes to pay. Had it not been for the calmness and moral heroism of the representatives, a percentage of property or a sum of money from every man without property would be exacted for expenditure which had become useless. If such men had been wrongheaded, the generality of their neighbours were profiting by the wrongheadedness; individuals had met with serious losses through cap-

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sioned Hamilton on March 17, 1747–8. He received the royal approbation on May 12, and took the various oaths of allegiance and supremacy &ct. on August 4, before the Lords Justices of Great Britain. He did not sail very soon, and did not relieve the Council of the executive powers until November 23.

On August 13, 1748, President Palmer, being seventy-five years old, married in Christ Church, or, at least, by ceremony of its minister, Catharine Carter, aged twenty, who appears to have been, however, a widow *née* Allaire. In the letter which tells us of the ages of this bride and bridegroom, written by Rev. Richard Peters to Thomas Penn, under date of May 3, 1749, it is said: "She is likely to bring him a Child this Year. He has buried all his Sons and Daughters except Mrs. Keith and Betsey a Maiden Lady of Thirty-five and he has a Grand Child a pretty Girl of Mrs. Barkleys [Berkeley]." There was also, but probably not living with the grandfather, a son of a deceased son. The letter goes on to speak of Palmer's weakness, at least in old age, in money matters, Peters having paid to him over 2000*l.* during his Presidency, and he having less than 1000*l.* left. Palmer died at Kensington about seven months after ceasing to be at the head of affairs, and was buried (Christ Church records) on June 2, 1749. Notwithstanding the prognostication aforesaid, no child was born, at least none appears in the burial or baptismal records, or in the partition of the estate. The widow married the President's kinsman and son-in-law, Samuel Palmer, and had children by him, through whom the name was kept up longer than in the President's direct line: and she married again (the 4th time?). The President's posterity, reduced to a small number, sank in a few generations to a station in life less conspicuous than that of the descendants of his colleagues. In accordance with his design to provide

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ADDENDA AND CORRIGENDA

Chapter II.

(page 50) Penn's Commissioners of Property, or, rather, the agents for his mortgagees, agreed in 1st mo., 1713–4, to let Michael Harlan have 2500 acres at Thunder Hill near Nottingham and the Maryland border, to hold at his own risk, in consideration whereof he was charged only 150*l.*

(page 57) If the reader asks why the appeal to the House of Lords was not taken against Hardwicke's decision, the answer may suffice, that, during his Chancellorship, there were no other "law Lords" in the House, and therefore there were only three appeals in equity "from Philip to Philip, in all of which the decrees were affirmed without difficulty," as says Lord Campbell in his *Lives of the Lord Chancellors.*

Chapter III.

(page 79) John Reed, in his Explanation (published in 1774) of his map of the City and Liberties of Philadelphia, shows that the Liberties included land west of the Schuylkill, as well as the Northern Liberties, and that some of the first purchasers received the full two per cent. in said western part, while only 80 acres, instead of 100, for each quantity of 5000 acres were laid out to others in the Northern Liberties. This inequality does not seem to have been complained of, and may have been agreed to by the purchasers arriving, as trifling or compensated for.

(pages 80 and 81) The statement that there are now twenty-two streets in the same space as the original twenty-three is not strictly accurate: the original

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(page 104) For "Kennet" read "Kennett."

(pp. 108, 115, and 122) It can hardly escape notice that Pacoughtronack is the same name as Pascoticans and Pascatoways. It is an item for the investigators of Indian tribal genealogy that in the list (*Colonial Records*, Vol. IV, p. 583–586) of Indians at the treaty of 1742 (see Chapter XXVI), there are two groups from Conestoga, *i.e.* from the Susquehanna region south of the Blue Mountains, one speaking the Anayint language (Oneida or Iroquoian generally), and the other called "Indians of the Nantikokes, by us called the Cannoyios."

CHAPTER VI.

(page 156) On recent search by the present writer, no specific order from Penn to fire upon the Marylanders has been found. By others than Quaker magistrates, an order to injure opposers would have been seen in his commission of 2 mo. 6, 1684, to William Welch, John Simcock, and James Harrison,—all or at least two of them being Quakers—to raise the country against the Marylanders, and to grant commissions for the purpose, and to suppress riotous and rebellious practices, and to apprehend all found engaged therein; and similarly to be construed as one for civil war was his declaration of 4 mo. 4, 1684, mentioned on page 41, particularly as those in arms as well as those not in arms were to be seized. The date, occasion, and phraseology of Penn's commission appointing a commander of the fort at New Castle, which commission Lt. Gov. Thomas had before him in January, 1739–40, is not known.

CHAPTER IX.

(page 256) In the contracted date of one of Penn's letters to Viscount Sidney, "22 A, 90" is a misprint for "22 A, 91." Notwithstanding that in *The Friend*, Vol. VI (published in 1833), this letter is attributed to August, the "A" must mean April.

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CHAPTER XVII.

(page 513) Considerable immigration from Sweden continued under the Dutch rule.

(pages 528, 529) The *Virginia Magazine of History & Biography,* Vol. XXIV, prints a journal and some letters of Michel; and we learn therefrom that Michel sought out Penn in London at the beginning of 1703, and that in April or May, 1704, Michel visited Philadelphia, and then returned to Maryland. In Philadelphia, he met "the sons of the gunsmith Bondeli, who" had arrived "some time ago from New England." Prof. W. F. von Mülinen is quoted by Prof. Wm. J. Hinke as saying that John Bundeli, bailiff of Aarwangen, had a grandson David, a gunsmith, living about 1680, who m. Elisa Dick, and that a son of David and Elisa died in Pennsylvania. George Ritter, druggist, to whom Michel, in a letter to John Rudolph Ocks, sends offer of service, speaks, Mch. 19, 1705, of Francis Louis Michel, a citizen of Bern, as having "settled" in Pennsylvania.

(page 538) Peniel and Saron are still used for worship and Sabbath school by the Seventh Day Baptists mentioned, which congregation was incorporated in 1814.

CHAPTER XVIII.

(page 575) A closer reading of the *Autobiography* tells us that the stationer to whom Franklin presented the letter was a different person from Baskett, Franklin having taken for delivery several letters from the ship's mail, one for Baskett, and one for a stationer whose name is not mentioned. No account is given of the letter to Baskett, who (page 684) was one of Keith's creditors, asking a year later for his continuance in office. Franklin tells us that Riddlesden, the writer of the letter to the unnamed stationer, had nearly ruined Deborah Read's father through the latter going se-

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